

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

EDWARD SHIN,
PLAINTIFF,

- AGAINST -

YS2 ENTERPRISES INC., MICHAEL S. WANG,
VICTORIA WANG AS TRUSTEE OF THE RICHARDSON
IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG
DEBORAH WANG, AND YOUNG K. LEE

DEFENDANT.

- - - - - X

1270 BROADWAY
NEW YORK, NEW YORK 10001

FEBRUARY 1st, 2019
11: 08 A.M.

EXAMINATION BEFORE TRIAL OF ERIC E. SHIN,
THE PLAINTIFF HEREIN, TAKEN BY MS. BERKOWITZ,
IN THE ABOVE-ENTITLED ACTION, HELD AT THE
ABOVE TIME AND PLACE, PURSUANT TO ORDER, TAKEN
BEFORE CHRISTA M. MILOSCIA, A SHORTHAND
REPORTER AND NOTARY PUBLIC WITHIN AND FOR THE
STATE OF NEW YORK.

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S T I P U L A T I O N S

IT IS STIPULATED AND AGREED BY AND BETWEEN
THE ATTORNEYS FOR THE RESPECTIVE PARTIES
HEREIN, AND IN COMPLIANCE WITH RULE 221 OF THE
UNIFORM RULES FOR THE TRIAL COURTS:

THAT THE PARTIES RECOGNIZE THE PROVISION OF
RULE 3115 SUBDIVISIONS (B), (C) AND/OR (D).

ALL OBJECTIONS MADE AT A DEPOSITION SHALL BE
NOTED BY THE OFFICER BEFORE WHOM THE
DEPOSITION IS TAKEN, AND THE ANSWER SHALL BE
GIVEN AND THE DEPOSITION SHALL PROCEED SUBJECT
TO THE OBJECTIONS AND TO THE RIGHT OF A PERSON
TO APPLY FOR APPROPRIATE RELIEF PURSUANT TO
ARTICLE 31 OF THE CPLR;

THAT EVERY OBJECTION RAISED DURING A
DEPOSITION SHALL BE STATED SUCCINCTLY AND
FRAMED SO AS NOT TO SUGGEST AN ANSWER TO THE
DEPONENT AND, AT THE REQUEST OF THE
QUESTIONING ATTORNEY, SHALL INCLUDE A CLEAR
STATEMENT AS TO ANY DEFECT IN FORM OR OTHER
BASIS OF ERROR OR IRREGULARITY. EXCEPT TO THE
EXTENT PERMITTED BY CPLR RULE 3115 OR BY THIS
RULE, DURING THE COURSE OF THE EXAMINATION
PERSONS IN ATTENDANCE SHALL NOT MAKE

1

2 STATEMENTS OR COMMENTS THAT INTERFERE WITH THE
3 QUESTIONING.

4

5 THAT A DEPONENT SHALL ANSWER ALL QUESTIONS
6 AT A DEPOSITION, EXCEPT (I) TO PRESERVE A
7 PRIVILEGE OR RIGHT OF CONFIDENTIALITY, (II) TO
8 ENFORCE A LIMITATION SET FORTH IN AN ORDER OF
9 A COURT, OR (III) WHEN THE QUESTION IS PLAINLY
10 IMPROPER AND WOULD, IF ANSWERED, CAUSE
11 SIGNIFICANT PREJUDICE TO ANY PERSON. AN
12 ATTORNEY SHALL NOT DIRECT A DEPONENT NOT TO
13 ANSWER EXCEPT AS PROVIDED IN CPLR RULE 3115 OR
14 THIS SUBDIVISION. ANY REFUSAL TO ANSWER OR
15 DIRECTION NOT TO ANSWER SHALL BE ACCOMPANIED
16 BY A SUCCINCT AND CLEAR STATEMENT ON THE BASIS
17 THEREFORE. IF THE DEPONENT DOES NOT ANSWER A
18 QUESTION, THE EXAMINING PARTY SHALL HAVE THE
19 RIGHT TO COMPLETE THE REMAINDER OF THE
20 DEPOSITION.

21

22 THAT AN ATTORNEY SHALL NOT INTERRUPT THE
23 DEPOSITION FOR THE PURPOSE OF COMMUNICATING
24 WITH THE DEPONENT UNLESS ALL PARTIES CONSENT
25 OR THE COMMUNICATION IS MADE FOR THE PURPOSE
OF DETERMINING WHETHER THE QUESTION SHOULD NOT
BE ANSWERED ON THE GROUNDS SET FORTH IN

1

2 SECTION 221.2 OF THESE RULES, AND, IN SUCH
3 EVENT, THE REASON FOR THE COMMUNICATION SHALL
4 BE STATED FOR THE RECORD SUCCINCTLY AND
5 CLEARLY.

6 THAT THE FAILURE TO OBJECT TO ANY QUESTION
7 OR TO MOVE TO STRIKE ANY TESTIMONY AT THIS
8 EXAMINATION SHALL NOT BE A BAR OR WAIVER TO
9 MAKE SUCH OBJECTION OR MOTION AT THE TIME OF
10 THE TRIAL OF THIS ACTION, AND IS HEREBY
11 RESERVED; AND

12 THAT THIS EXAMINATION MAY BE SIGNED AND
13 SWORN TO BY THE WITNESS EXAMINED HEREIN BEFORE
14 ANY NOTARY PUBLIC, BUT THE FAILURE TO DO SO OR
15 TO RETURN THE ORIGINAL OF THE EXAMINATION TO
16 THE ATTORNEY ON WHOSE BEHALF THE EXAMINATION
17 IS TAKEN, SHALL NOT BE DEEMED A WAIVER OF THE
18 RIGHTS PROVIDED BY RULES 3116 AND 3117 OF THE
19 C.P.L.R., AND SHALL BE CONTROLLED THEREBY; AND

20 THAT THE CERTIFICATION AND FILING OF THE
21 ORIGINAL OF THIS EXAMINATION ARE HEREBY
22 WAIVED; AND

23 THAT THE QUESTIONING ATTORNEY SHALL PROVIDE
24 COUNSEL FOR THE WITNESS EXAMINED HEREIN WITH A
25 COPY OF THIS EXAMINATION AT NO CHARGE.

1 E. SHIN

2 E D W A R D E. S H I N, THE WITNESS

3 HEREIN, HAVING BEEN FIRST DULY SWORN BY

4 A NOTARY PUBLIC OF THE STATE OF

5 NEW YORK, WAS EXAMINED AND TESTIFIED AS

6 FOLLOWS:

7 EXAMINATION

8 BY MS. BERKOWITZ:

9 Q. STATE YOUR NAME FOR THE RECORD,
10 PLEASE.

11 A. ERIC E. SHIN.

12 Q. STATE YOUR ADDRESS FOR THE
13 RECORD, PLEASE.

14 A. 1575 SLOAN WAY, AMBLER,
15 PENNSYLVANIA 19002.

16 Q. GOOD MORNING, SIR. MY NAME IS
17 JANICE BERKOWITZ. I AM THE ATTORNEY
18 FOR YS2 ENTERPRISES IN THIS LAWSUIT.
19 I'LL BE ASKING YOU SOME QUESTIONS THIS
20 MORNING ABOUT THE INCIDENT THAT BRINGS
21 US HERE TODAY AND THE INJURIES THAT YOU
22 ARE CLAIMING THAT YOU SUSTAINED AS A
23 RESULT OF THAT INCIDENT.

24 PLEASE LET ME FINISH MY ENTIRE
25 QUESTION BEFORE YOU START GIVING YOUR

1 E. SHIN

2 ANSWER. PLEASE DO NOT VOLUNTEER ANY
3 INFORMATION AND DO NOT GUESS. I JUST
4 WANT YOU TO TELL ME WHAT YOU KNOW, NO
5 GUESSING. OKAY?

6 A. YES, MA'AM.

7 Q. OKAY. EDWARD E. SHIN, WHAT DOES
8 THE "E" STAND FOR?

9 A. EUNGSOO.

10 Q. CAN YOU SPELL THAT?

11 A. E-U-N-G-S-O-O.

12 MS. NICOLAOU: TWO WORDS OR
13 ONE?

14 THE WITNESS: ONE WORD.

15 Q. AND ARE YOU KNOWN BY ANY OTHER
16 NAME OTHER THAN EDWARD E. SHIN?

17 A. NICKNAME, SOME PEOPLE CALL ME
18 EDDY.

19 Q. EDDY. OKAY. ANYTHING ELSE?

20 A. NO.

21 Q. WHAT IS YOUR DATE OF BIRTH,
22 PLEASE?

23 A. 1963.

24 Q. AND WHAT'S YOUR SOCIAL SECURITY
25 NUMBER?

1 E. SHIN

2 A.

3 Q. HOW LONG HAVE YOU RESIDED AT
4 1575 SLOAN WAY FOR?

5 A. 11 YEARS.

6 Q. AT THE TIME OF THIS INCIDENT,
7 WHO ARE YOU RESIDING WITH?

8 A. MY WIFE.

9 Q. WHAT'S YOUR WIFE'S NAME?

10 A. SOPHIE.

11 Q. AND WHAT'S HER LAST NAME?

12 A. HAHN, H-A-H-N.

13 Q. H-A-H-N?

14 A. YES.

15 Q. AND WHAT'S THE DATE OF YOUR
16 MARRIAGE?

17 A. NOVEMBER 30, 1991.

18 Q. ON THE DAY OF THIS INCIDENT, WAS
19 ANYBODY ELSE RESIDING WITH YOU BESIDES
20 YOU AND YOUR WIFE?

21 A. MY TWO DAUGHTERS.

22 Q. OKAY. WHAT ARE THEIR NAMES?

23 A. SAMMUR, S-A-M-M-U-R, SHIN.

24 Q. AND HOW OLD IS SHE?

25 A. SHE'S 22.

1 E. SHIN

2 Q. OKAY. AND WHO ELSE?

3 A. ANOTHER DAUGHTER, CHRISTIAN,
4 C-H-R-I-S-T-I-A-N.

5 Q. AND HOW OLD IS SHE?

6 A. SHIN. AND SHE'S 20.

7 Q. 20. ANYBODY ELSE RESIDING WITH
8 YOU AT THE TIME OF THE INCIDENT?

9 A. MY PUPPY.

10 Q. YOUR PUPPY. OKAY. ANYONE ELSE?

11 A. NO.

12 Q. NOW, I WANT TO DRAW YOUR
13 ATTENTION TO APRIL 21ST, 2017. OKAY?

14 DO YOU RECALL WHAT DAY OF THE
15 WEEK THAT WAS?

16 A. THAT'S FRIDAY.

17 Q. AND DID YOU WORK THAT DAY?

18 A. YES.

19 Q. AND WHERE DID YOU WORK THAT DAY?

20 A. FORT LEE, NEW JERSEY.

21 Q. WHAT DID YOU DO IN FORT LEE, NEW
22 JERSEY, THAT DAY? WHAT IS YOUR
23 EMPLOYMENT?

24 A. BANKER. NOAH BANK, N-O-A-H.

25 Q. WHAT TIME DID YOU GET DONE WITH

1 E. SHIN

2 WORK THAT DAY?

3 A. AROUND 5:00 P.M.

4 Q. AND WHAT DID YOU DO AFTER WORK
5 WAS OVER AT 5:00 P.M.?

6 A. DINNER.

7 Q. DINNER. WHERE DID YOU HAVE
8 DINNER?

9 A. NEW JERSEY, FORT LEE.

10 Q. WITH WHO?

11 A. MY COLLEAGUE.

12 Q. WHAT COLLEAGUE?

13 A. MY BANKER COLLEAGUE.

14 Q. WHAT'S HIS NAME?

15 A. DON JOO, D-O-N, J-O-O, AND THE
16 OTHER GUY IS JOSHUA KIM.

17 Q. JOSHUA KIM?

18 A. AND THE OTHER GUY IS JOHN KIM.

19 Q. OKAY. AND WHERE DID YOU HAVE
20 DINNER?

21 A. KOREAN RESTAURANT IN FORT LEE.

22 Q. AND HOW DID YOU PAY FOR DINNER
23 THAT NIGHT?

24 A. CREDIT CARD, I BELIEVE.

25 Q. YOUR CREDIT CARD?

1 E. SHIN

2 A. I DON'T REMEMBER.

3 Q. AND WHAT DID YOU HAVE TO EAT?

4 A. I THINK AROUND 8:00.

5 Q. WHAT DID YOU EAT?

6 A. TYPICAL KOREAN DISH.

7 Q. WHICH IS WHAT?

8 A. LIKE, GALBI, FISH, AND SOUP.

9 Q. DID YOU HAVE ANY ALCOHOLIC
10 BEVERAGE?

11 A. YES.

12 Q. WHAT DID YOU DRINK?

13 A. SCOTCH WHISKY.

14 Q. AND WHAT KIND OF SCOTCH WHISKY?

15 A. JOHNNY WALKER BLACK OR BLUE.

16 Q. OKAY. AND HOW MANY DRINKS DID
17 YOU HAVE?

18 A. I THINK ABOUT, AMONG -- ONE
19 PERSON DIDN'T DRINK -- SO AMONG THREE,
20 PROBABLY ONE AND A HALF BOTTLES.

21 Q. AND HOW MANY DID YOU HAVE OUT OF
22 THAT ONE AND A HALF BOTTLES?

23 A. ABOUT -- I DON'T EXACTLY
24 REMEMBER BUT NOT THAT MUCH. ABOUT FIVE
25 TO SIX SHOTS.

1 E. SHIN

2 Q. FIVE TO SIX SHOTS?

3 A. YES.

4 Q. AND HOW MUCH IS IN EACH SHOT?

5 A. ABOUT THIS MUCH (INDICATING).

6 Q. HOW MANY OUNCES, ABOUT?

7 A. I DON'T KNOW.

8 Q. AROUND A SHOT GLASS?

9 A. YEAH, SHOT GLASS.

10 Q. ONCE DINNER WAS OVER, YOU SAID
11 ABOUT 8:00?

12 A. AROUND 8:00.

13 Q. WHAT DID YOU DO?

14 A. JOHN KIM WAS DRIVING AND I RIDE
15 HIS CAR AND WE WENT TO FLUSHING.

16 Q. WHAT REASON DID YOU GO TO
17 FLUSHING?

18 A. TO MEET WITH MY CUSTOMER AND
19 FRIEND.

20 Q. WHO'S THAT?

21 A. MR. CHUNG KANE LEE, C-H-U-N-G,
22 K-A-N-E, L-E-E.

23 Q. DID DON JOO AND JOSHUA KIM ALSO
24 COME IN THE CAR WITH JOHN KIM?

25 A. NO.

1 E. SHIN

2 Q. IT WAS JUST YOU AND JOHN KIM?

3 A. RIGHT.

4 Q. AND JOHN KIM DROVE?

5 A. JOHN KIM DROVE.

6 Q. WHERE DID YOU GO IN FLUSHING?

7 A. KARAOKE BAR.

8 MS. NICOLAOU: WHERE?

9 MS. BERKOWITZ: HE SAID

10 "KARAOKE BAR."

11 Q. WHERE IS THAT LOCATED?

12 A. I DON'T KNOW THE ADDRESS BUT

13 IT'S ON NORTHERN BOULEVARD, 160, I'M
14 NOT SURE.

15 Q. HAVE YOU EVER BEEN THERE BEFORE?

16 A. YES.

17 Q. HOW MANY TIMES?

18 A. THAT YEAR?

19 Q. YEAH.

20 A. FIRST TIME THAT YEAR.

21 Q. FIRST TIME IN 2017?

22 A. YEAH, 2017.

23 Q. AND WHAT ABOUT 2016?

24 A. I DON'T REMEMBER. I WENT THERE
25 ON 2016, MAYBE A COUPLE OF TIMES BUT I

1 E. SHIN

2 DON'T REMEMBER EXACTLY.

3 Q. IN TOTAL, HOW MANY TIMES HAVE
4 YOU BEEN THERE BEFORE THAT NIGHT?

5 A. PROBABLY ABOUT 10 TIMES, OVER
6 FIVE OR SIX YEARS.

7 Q. HOW DID YOU HEAR ABOUT THE
8 PLACE, WAS IT THROUGH CHUNG LEE?

9 A. IT'S A VERY FAMOUS PLACE AND
10 ALSO THAT'S ACROSS THE STREET FROM MY
11 OTHER BRANCH IN FLUSHING, OUR BANK.

12 Q. DO YOU EVER WORK OUT OF THAT
13 FLUSHING NOAH BANK BRANCH?

14 A. NO.

15 Q. IT'S JUST LOCATED ACROSS THE
16 STREET FROM THE KARAOKE BAR?

17 A. YES.

18 Q. WHEN DID YOU MAKE THE
19 ARRANGEMENTS WITH CHUNG LEE TO MEET HIM
20 THAT NIGHT?

21 A. I DON'T REMEMBER EXACT TIME BUT
22 I THINK HE CALLED ME, "WHERE ARE YOU?"
23 I DON'T REMEMBER, BUT WE TALK TO EACH
24 OTHER.

25 Q. AND IT WAS ON FRIDAY?

1 E. SHIN

2 A. FRIDAY.

3 Q. WHAT DID HE SAY WHEN HE CALLED
4 YOU?

5 A. "I'M HERE. CAN YOU VISIT ME AND
6 TAKE A LOOK AT COUPLE OF THINGS? I
7 WOULD LIKE TO DISCUSS A COUPLE OF
8 THINGS WITH YOU, BUSINESS."

9 Q. AND WHAT BUSINESS DID HE WANT TO
10 DISCUSS WITH YOU?

11 A. HE'S BUYING THAT BUILDING NEXT
12 TO IT AND WE'RE FINANCING THAT
13 BUILDING.

14 Q. WHEN YOU SAY "WE," YOU MEAN NOAH
15 BANK?

16 A. NOAH BANK.

17 Q. SO DID YOU MAKE THE ARRANGEMENTS
18 TO MEET HIM THAT NIGHT?

19 A. YES, AFTER THIS DINNER MEETING I
20 TOLD HIM, "I'LL BE THERE WITH THE LOAN
21 OFFICER."

22 Q. JOHN KIM WAS THE LOAN OFFICER?

23 A. YES, I BELIEVE SO.

24 Q. WHAT TIME DID YOU MEET CHUNG
25 LEE?

1 E. SHIN

2 A. AROUND NINE O'CLOCK AROUND --
3 BEFORE NINE OR I'M NOT SURE.

4 Q. SO YOU WENT STRAIGHT FROM THE
5 KOREAN RESTAURANT IN FORT LEE TO
6 FLUSHING?

7 A. YES.

8 Q. DID YOU DRINK ANYTHING IN THE
9 CAR, ANY ALCOHOL IN THE CAR?

10 A. NO.

11 Q. WHERE DID YOU MEET CHUNG LEE?

12 A. SECOND FLOOR OF THAT BUILDING.

13 Q. AND -- SO YOU ENTERED THE
14 BUILDING JUST WITH JOHN KIM?

15 A. YES.

16 Q. TELL ME WHAT YOU DID ONCE YOU
17 ENTERED THE BUILDING. WHERE DID YOU
18 GO?

19 A. UPSTAIRS.

20 Q. OKAY. AND HOW DID YOU GET
21 UPSTAIRS?

22 A. I'M NOT SURE IF I TOOK ELEVATOR
23 OR I WAS WALKING.

24 Q. HAD YOU TAKEN THE ELEVATOR
25 BEFORE, ON YOUR PRIOR OCCASIONS, AT

1 E. SHIN

2 THAT PLACE?

3 A. YES.

4 Q. AND YOU KNEW WHERE THAT ELEVATOR
5 WAS LOCATED?

6 A. YES.

7 Q. WHEN YOU WENT UPSTAIRS TO THE
8 SECOND FLOOR, WHAT DID YOU DO?

9 A. I WENT TO WHERE CHUNG KANE WAS
10 WAITING FOR ME.

11 Q. WHERE WAS HE WAITING FOR YOU?

12 A. IN THE ROOM.

13 Q. HE WAS ALREADY IN THE ROOM?

14 A. YES.

15 Q. WHAT NUMBER ROOM?

16 A. I DON'T REMEMBER THE ROOM BUT I
17 THINK THAT'S THE SECOND ROOM, BIGGER
18 ROOM.

19 Q. SECOND ROOM ON THE LEFT?

20 A. YEAH, LEFT.

21 Q. NOW, WHEN YOU GOT TO THE TOP OF
22 THE STAIRS, DID YOU HAVE TO OPEN A DOOR
23 IN ORDER TO GET INTO THE KARAOKE PLACE?

24 A. NO, THE DOOR WAS OPEN, I
25 BELIEVE.

1 E. SHIN

2 Q. THE DOOR WAS OPEN UP TOP?

3 A. I DON'T REMEMBER EXACT BUT --

4 Q. SO YOU'RE NOT SURE?

5 A. I'M NOT SURE.

6 Q. BUT YOU KNOW THERE WAS A DOOR

7 THERE?

8 A. I'M NOT SURE.

9 Q. AND ONCE YOU GOT INTO THE

10 KARAOKE PLACE, BEFORE YOU GOT INTO THE

11 ROOM, DID ANYONE FROM THE KARAOKE PLACE

12 MEET YOU?

13 A. YEAH, MANAGEMENT OR WAITER.

14 Q. AND DID YOU KNOW THE MANAGER'S

15 NAME?

16 A. I THINK. I KNOW THE OWNER, I

17 DON'T KNOW IF SHE'S THE MANAGER OR

18 OWNER.

19 Q. OKAY. WHAT'S THE OWNER'S NAME?

20 A. LAST NAME, MOON.

21 Q. MOON, M-O-O-N?

22 A. YES.

23 Q. WAS SHE THERE THAT NIGHT?

24 A. YES.

25 Q. DID YOU SEE HER WHEN YOU GOT

1 E. SHIN

2 THERE?

3 A. I DON'T REMEMBER IF I SAW HER
4 WHEN I ENTERED BUT SHE WAS THERE.

5 Q. OKAY. WHAT ABOUT THE MANAGER,
6 DO YOU KNOW HIS NAME?

7 A. I DON'T KNOW HIS NAME.

8 Q. WHAT ABOUT THE WAITER, DO YOU
9 KNOW HIS NAME?

10 A. I DON'T KNOW HIS NAME.

11 Q. HAVE YOU SEEN THAT MANAGER
12 BEFORE ON OTHER OCCASIONS WHEN YOU BEEN
13 THERE?

14 A. MAYBE.

15 Q. OKAY. CAN YOU DESCRIBE HIM FOR
16 ME?

17 A. THE --

18 Q. MANAGER.

19 A. NO. I THINK MOON IS THE MANAGER
20 AND OWNER, I'M TALKING ABOUT HER.

21 Q. OKAY. AND WHAT ABOUT THE
22 WAITER?

23 A. YES, BUT I DON'T REMEMBER HIS
24 NAME.

25 Q. HAD HE BEEN A WAITER FOR YOU

1 E. SHIN

2 BEFORE THAT NIGHT?

3 A. I THINK SO.

4 Q. CAN YOU DESCRIBE HIM FOR ME?

5 A. PRETTY TALL GUY, ABOUT 30.

6 Q. AND KOREAN?

7 A. KOREAN.

8 Q. DID YOU RECOGNIZE HIM WHEN YOU
9 GOT THERE?

10 A. I DON'T REMEMBER.

11 Q. DID HE SAY ANYTHING TO YOU TO
12 INDICATE THAT HE RECOGNIZED YOU?

13 A. YES.

14 Q. WHAT DID HE SAY?

15 A. HE WAS GREETING ME PRETTY, YOU
16 KNOW -- AND THEN RIGHT AFTER THAT "MR.
17 LEE IS WAITING FOR YOU."

18 Q. AND DID HE BRING YOU TO THE
19 ROOM?

20 A. YES.

21 Q. WHO WAS IN THE ROOM WHEN YOU GOT
22 THERE BESIDES CHUNG LEE?

23 A. MR. CHUNG LEE AND SOME BUSINESS
24 ASSOCIATE. I DON'T REMEMBER BECAUSE I
25 DON'T KNOW HIM.

1 E. SHIN

2 Q. THAT WAS THE FIRST TIME THAT YOU
3 MET HIM?

4 A. FIRST TIME.

5 Q. DO YOU KNOW HIS NAME?

6 A. I DO NOT.

7 Q. AND YOU BELIEVE HE WAS SOME
8 ASSOCIATE OF CHUNG LEE?

9 A. CHUNG LEE OR CHUNG LEE'S FRIEND.

10 Q. SO IT WAS CHUNG LEE, THIS --
11 CHUNG LEE'S FRIEND, JOHN KIM, AND YOU?

12 A. YES.

13 Q. OKAY. AND WHEN YOU GOT INTO THE
14 ROOM, WHAT WAS IN THE ROOM WHEN YOU GOT
15 IN THERE? DESCRIBE THE ROOM FOR ME.

16 A. THERE'S A SOFA AND TABLE AND --
17 MIDDLE OF THE TABLE THERE'S SOME -- I
18 THINK FRUIT AND SOME SCOTCH WHISKY AND
19 BEER AND WATER.

20 Q. DO YOU KNOW WHO ORDERED THE
21 WHISKY?

22 A. MAYBE, MR. LEE.

23 Q. AND WHAT ABOUT THE BEER?

24 A. MAYBE, MR. LEE.

25 Q. DO YOU KNOW HOW LONG MR. LEE WAS

1 E. SHIN

2 THERE BEFORE YOU ARRIVED?

3 A. I DON'T KNOW.

4 Q. DID THE SERVER WALK INTO THE
5 ROOM WITH YOU WHEN YOU GOT THERE?

6 A. YES.

7 Q. HOW LONG DID HE STAY FOR?

8 A. I DON'T REMEMBER. IN AND OUT, I
9 BELIEVE.

10 Q. DID HE BRING ANY ALCOHOL WITH
11 HIM OR WAS IT ALREADY IN THERE?

12 A. ALCOHOL WAS ALREADY THERE.

13 Q. SAY THAT AGAIN?

14 A. ALCOHOL WAS ALREADY THERE.

15 Q. ONE BOTTLE OF SCOTCH WHISKY AND
16 BEER?

17 A. I THINK SO.

18 Q. WAS THE SCOTCH WHISKY -- WAS IT
19 JOHNNIE WALKER BLACK?

20 A. I DON'T REMEMBER, BUT IT WAS
21 SCOTCH.

22 Q. AND WAS IT OPEN?

23 A. OPEN.

24 Q. WAS IT ALREADY ON THE TABLE?

25 A. YES.

1 E. SHIN

2 Q. DO YOU REMEMBER HOW MUCH WAS
3 LEFT IN THE BOTTLE WHEN YOU GOT THERE?

4 A. I DON'T REMEMBER BUT I BELIEVE
5 AFTER I WAS THERE -- THERE SHOULD BE
6 ANOTHER BOTTLE IN(SIC).

7 Q. ALL RIGHT. SO LET'S STAY WITH
8 THE FIRST BOTTLE. HOW MUCH DID YOU
9 DRINK FROM THAT FIRST BOTTLE?

10 A. I THINK, I MIXED WITH BEER AND
11 THREW ONE SHOT IN IT. I THINK, I DRINK
12 ABOUT THREE TO FIVE.

13 Q. SO YOU MIXED THE SCOTCH WHISKY
14 WITH THE BEER?

15 A. YES.

16 Q. AND YOU HAD THREE TO FIVE SHOTS
17 OF THAT?

18 A. YES.

19 Q. WHAT FOOD WAS THERE?

20 A. MOSTLY FRUIT.

21 Q. DID YOU EAT FOOD WHILE YOU WERE
22 AT THE KARAOKE BAR?

23 A. MAYBE.

24 Q. SOME FRUIT, YOU REMEMBER?

25 A. I LIKE WATERMELON SO I MAY HAVE

1 E. SHIN

2 HAD WATERMELON.

3 Q. ANYTHING ELSE YOU RECALL EATING
4 AT THE KARAOKE PLACE?

5 A. I DON'T REMEMBER.

6 Q. WHAT ELSE DID YOU DO IN THE
7 ROOM? DID YOU DO KARAOKE? JUST CHAT?

8 A. TALKING. A LOT OF TALKING.

9 Q. DID YOU DO ANY KARAOKE?

10 A. THAT ROOM, I DON'T THINK SO.

11 Q. HOW LONG WERE YOU IN THAT ROOM
12 FOR?

13 A. LESS THAN HOUR.

14 Q. OKAY. AND WAS ANOTHER BOTTLE OF
15 SCOTCH WHISKY BROUGHT BEFORE YOU LEFT?

16 A. YES.

17 Q. HOW LONG AFTER YOU GOT THERE WAS
18 THE SECOND BOTTLE ORDERED?

19 A. 30 MINUTES, PROBABLY.

20 Q. WHO ORDERED THE SECOND BOTTLE?

21 A. MAYBE, I ORDERED OR MR. LEE
22 ORDERED OR THE WAITER JUST BRING.

23 Q. YOU DON'T REMEMBER?

24 A. I DON'T REMEMBER.

25 Q. WAS IT THE SAME WAITER WHO

1 E. SHIN

2 BROUGHT YOU TO THE ROOM?

3 A. I THINK SO.

4 Q. HOW LONG DID HE STAY THAT SECOND
5 TIME HE CAME IN?

6 A. LESS THAN FIVE MINUTES.

7 Q. AND HE BASICALLY PUT THE BOTTLE
8 DOWN ON THE TABLE AND LEFT?

9 A. YES, MAYBE JUST TO SAY "HELLO,"
10 JUST GENERAL THINGS.

11 Q. YOU GUYS WERE HAVING A GOOD TIME
12 IN THE ROOM?

13 A. YES.

14 Q. AFTER, YOU SAID ABOUT LESS THAN
15 AN HOUR YOU LEFT THE ROOM?

16 A. NOT LEFT, I VISIT FIRST ROOM.

17 Q. FIRST ROOM?

18 A. FIRST ROOM, FROM THE LEFT SIDE.

19 Q. SO YOU WERE IN THE SECOND ROOM
20 AND YOU VISITED THE SECOND ROOM?

21 A. RIGHT, BECAUSE DANIEL PARK, CPA,
22 I KNOW HIM.

23 Q. DANIEL PARK, A CPA, WAS IN THE
24 FIRST ROOM?

25 A. RIGHT.

1 E. SHIN

2 Q. HOW DO YOU KNOW IF HE WAS THERE?

3 A. SOMEBODY TOLD HIM. I DON'T KNOW
4 IF I MET HIM AT THE DOORWAY OR THE
5 RESTROOM OR HE CAME TO MY ROOM, I DON'T
6 REMEMBER.

7 Q. OKAY.

8 A. SO I GOT INVITED IN THE ROOM AND
9 I WAS THERE.

10 Q. OKAY. AND WHO DID YOU GO WITH?

11 A. JUST ME, MAYBE JOHN KIM AT THE
12 BEGINNING, I'M NOT SURE.

13 Q. AND WHO ELSE WAS IN THAT ROOM
14 WITH DANIEL PARK?

15 A. TWO -- ONE IS -- NAME IS,
16 ANOTHER MR. LEE.

17 Q. OKAY.

18 A. YOUNG LEE.

19 Q. OKAY.

20 A. AND THE OTHER GUY'S NAME, I JUST
21 KNOW LAST NAME, MR. HONG.

22 Q. HOW DO YOU SPELL THAT?

23 A. H-O-N-G.

24 Q. DO YOU KNOW WHO THEY WERE WITH?

25 A. I THINK THEY WERE BOTH DANIEL

1 E. SHIN

2 PARK'S CLIENTS BECAUSE DANIEL PARK
3 INTRODUCED ME TO THEM.

4 Q. HOW DID YOU KNOW DANIEL PARK?

5 A. HE'S MY CPA. HE USED TO BE.

6 Q. AND DID DANIEL PARK AND YOUNG
7 LEE KNOW EACH OTHER?

8 A. I THINK SO.

9 Q. WAS YOUNG LEE DANIEL PARK'S
10 CLIENT, ALSO?

11 A. I DO NOT KNOW.

12 Q. DID YOU KNOW YOUNG LEE BEFORE
13 THAT NIGHT?

14 A. NO.

15 Q. YOU NEVER MET HIM BEFORE?

16 A. NO, I NEVER MET HIM.

17 Q. WHEN YOU WENT INTO THAT ROOM,
18 WHAT DID YOU DO?

19 A. WE INTRODUCE AND WE DRINK A LOT.

20 Q. WHAT DO YOU MEAN YOU DRANK "A
21 LOT"?

22 A. THEY ALREADY DRANK, I WAS DRUNK
23 TOO, AND I THINK WE ORDER ANOTHER TWO
24 SCOTCH BOTTLES.

25 Q. WHO WAS ALREADY DRUNK?

1 E. SHIN

2 A. ALL THREE AND INCLUDING ME TOO,
3 SO FOUR.

4 Q. YOU WERE DRUNK AT THAT TIME?

5 A. YES, WHEN I GO INTO THAT ROOM I
6 THINK I WAS PRETTY DRUNK.

7 Q. WHAT'S THE BASIS FOR YOU SAYING
8 YOU THINK YOUNG LEE WAS DRUNK?

9 A. IT'S FIRST TIME MEETING AND IT'S
10 THE WAY HE WAS TALKING AND BEHAVIOR.

11 Q. HOW WAS HE TALKING THAT LED YOU
12 TO BELIEVE THAT HE WAS DRUNK?

13 A. YOU CAN TELL.

14 Q. GIVE ME AN EXAMPLE ABOUT WHAT HE
15 WAS SAYING OR THE WAY HE WAS SAYING IT.
16 HOW COULD YOU TELL?

17 A. LIKE, LAUGHING AND TALKING AND
18 HE WOULD STAND UP AND HE COULDN'T, YOU
19 KNOW, STAND UP AND I WAS DRUNK AND I
20 THOUGHT WE HAD A GOOD TIME THERE AND WE
21 HAD A PRETTY GOOD DRINK AND THEN SOON,
22 I THINK -- DANIEL PARK WAS KNOCKED OUT,
23 I THINK HE WAS ASLEEP. I THINK, I
24 DON'T REMEMBER.

25 Q. SO DANIEL PARK WENT TO SLEEP,

1 E. SHIN

2 YOU THINK?

3 A. YES, AND THEN WE GOT KARAOKE IN
4 THAT ROOM TOO.

5 Q. YOU THINK THAT DANIEL WENT TO
6 SLEEP ON ONE OF THE COUCHES?

7 A. YES, I THINK HE WAS PRETTY DRUNK
8 TOO.

9 Q. WHAT TIME WAS THAT?

10 A. I DON'T REMEMBER.

11 Q. SO ONCE DANIEL PARK WENT TO
12 SLEEP IT WAS JUST YOU AND MR. YOUNG LEE
13 AND MR. HONG?

14 A. YES, AND, I THINK, OCCASIONALLY,
15 JOHN KIM OR MR. LEE -- CHUNG KANE LEE
16 OR WAITER CALLED ME TO FILL OUT THAT
17 LOAN AND VISIT THEM SO I THINK I WENT
18 TO CHUNG LEE'S ROOM AND CAME BACK. I
19 DON'T REMEMBER EXACTLY.

20 Q. YOU WERE GOING BACK AND FORTH,
21 YOU THINK?

22 A. JUST TO VISIT SECOND ROOM BUT
23 I'M NOT SURE.

24 Q. SO WHAT TIME DO YOU THINK YOU
25 GOT INTO THE FIRST ROOM?

1 E. SHIN

2 A. 10:30, 11:00.

3 Q. HOW LONG DID YOU STAY IN THERE
4 FOR?

5 A. TWO HOURS, LESS THAN TWO HOURS.

6 MS. NICOLAOU: JUST TO BE
7 CLEAR ON THE RECORD, THE FIRST
8 ROOM; PARK'S ROOM OR LEE'S ROOM?

9 MR. LEVINSON: THE FIRST ONE
10 WE TALKED ABOUT IS THE SECOND
11 ROOM AND THIS IS THE FIRST ONE.

12 MS. NICOLAOU: I DON'T KNOW
13 IF WE'RE REFERRING TO LOCATION
14 VERSUS NUMBER.

15 Q. THE FIRST ROOM YOU WENT INTO WAS
16 ROOM NUMBER TWO?

17 A. YES, MR. LEE'S ROOM.

18 Q. AND THEN YOUNG LEE'S ROOM WAS
19 ROOM NO. 1?

20 MS. NICOLAOU: AND THAT ONE
21 HE ENTERED AT 10:30, 11:00, JUST
22 TO BE CLEAR?

23 MS. BERKOWITZ: YEAH, IS
24 THAT GOOD?

25 MS. NICOLAOU: YES, THANK

1 E. SHIN

2 YOU.

3 Q. WHAT DID YOU DRINK WHEN YOU GOT
4 INTO YOUNG LEE'S ROOM?

5 A. I DON'T REMEMBER BUT A LOT.

6 Q. WHAT'S "A LOT"?

7 A. PROBABLY, WHOLE BOTTLE.

8 Q. A WHOLE BOTTLE OF WHAT?

9 A. SCOTCH AND MAYBE FIVE BEERS.

10 Q. BY YOURSELF?

11 A. I THINK SO.

12 Q. AND DID YOU OBSERVE YOUNG LEE
13 DRINK ANY ALCOHOL?

14 A. YES.

15 Q. WHAT DID YOU OBSERVE HIM
16 DRINKING?

17 A. I THINK WE DRINK THE SAME AMOUNT
18 BECAUSE WE EXCHANGE EACH OTHER.

19 Q. WHAT DOES THAT MEAN, "EXCHANGE
20 EACH OTHER"?

21 A. I DRINK ONE SHOT, HE DRINK ONE
22 SHOT; SOMETHING LIKE THAT.

23 Q. YOU WERE HAVING A GOOD TIME WITH
24 HIM?

25 A. YES.

1 E. SHIN

2 Q. WAS IT THE SAME SERVER FOR BOTH
3 ROOMS?

4 A. YES.

5 Q. AND DID THE SERVER COME INTO
6 YOUNG LEE'S ROOM WHILE YOU WERE THERE?

7 A. I DON'T REMEMBER, I THINK SO.

8 Q. ONLY WHAT YOU REMEMBER. I DON'T
9 WANT YOU GUESSING.

10 A. RIGHT. OKAY. I DON'T REMEMBER
11 BECAUSE I WAS DRUNK.

12 Q. DID ANYONE FROM THE KARAOKE
13 PLACE THAT YOU'RE AWARE OF WATCH YOUNG
14 LEE DRINK ALCOHOL?

15 A. I DO NOT KNOW.

16 Q. ALL RIGHT. SO YOU SAID YOU WERE
17 THERE FOR ABOUT LESS THAN TWO HOURS?

18 A. YES.

19 Q. SO WHAT TIME DID YOU LEAVE?

20 A. AFTER 12:00, I DON'T REMEMBER.

21 I DON'T KNOW HOW I GOT UP, YOU KNOW.

22 Q. WAS THAT BECAUSE YOU WERE DRUNK?

23 A. YES. I DON'T KNOW IF MR. JOHN
24 KIM PULLED ME OUT, I'M NOT SURE.

25 Q. DO YOU KNOW WHAT TIME THAT WAS?

1 E. SHIN

2 A. I THINK OVER 12:00.

3 Q. WHERE DID YOU GO LAST?

4 A. I WENT HOME, I THINK.

5 Q. OKAY. WHEN YOU LEFT YOUNG LEE'S
6 ROOM, WHERE DID YOU GO?

7 A. I SAW THE VIDEO. I THINK -- I
8 DON'T KNOW HOW I GET THERE AND I DON'T
9 REMEMBER -- I THINK I WAS LOST OR
10 SOMETHING BECAUSE I WAS DRUNK.

11 Q. OKAY. SO WHAT VIDEO ARE YOU
12 REFERRING TO? THE VIDEO OF THE
13 INCIDENT?

14 A. YES.

15 Q. TELL ME WHAT'S THE LAST THING
16 THAT YOU REMEMBER?

17 A. I THINK WE HAD SOME ARGUMENT. I
18 DON'T KNOW WHAT THE ARGUMENT WAS.

19 Q. ARGUMENT WITH WHO?

20 A. WITH LEE.

21 Q. WHERE DID THE ARGUMENT START?

22 A. I DO NOT REMEMBER.

23 Q. THIS WAS WITH YOUNG LEE?

24 A. YOUNG LEE. I HAD A GOOD TIME
25 AND I REMEMBER I GOT OUT. I DON'T KNOW

1 E. SHIN

2 HOW IT ENDED UP THAT HE KICKED ME.

3 Q. DO YOU KNOW WHAT THE ARGUMENT
4 WAS ABOUT?

5 A. I DO NOT.

6 Q. DO YOU KNOW HOW IT STARTED?

7 A. I DO NOT.

8 Q. DO YOU KNOW WHERE IT STARTED?

9 A. I DO NOT BECAUSE IT WAS THE
10 FIRST TIME I MET HIM. I DON'T HAVE ANY
11 BUSINESS RELATIONSHIP SO I COULDN'T
12 UNDERSTAND.

13 Q. WHO DID YOU LEAVE WITH BESIDES
14 FOR YOUNG LEE?

15 A. LEAVE?

16 Q. YOU LEFT WITH YOUNG LEE?

17 A. RIGHT.

18 Q. AND WHO ELSE?

19 A. I THINK, JUST MYSELF. I'M NOT
20 SURE ABOUT THAT PART, I DON'T REMEMBER.

21 Q. DID YOU WATCH THE VIDEO? WHEN
22 YOU WATCHED THE VIDEO, WHO DID YOU SEE
23 ON THE VIDEO?

24 A. CHUNG LEE.

25 Q. CHUNG LEE.

1 E. SHIN

2 A. JOHN KIM.

3 Q. JOHN KIM.

4 A. YOUNG LEE.

5 Q. YOUNG LEE.

6 A. I SAW WAITER.

7 Q. YOU SAW A WAITER ON THE VIDEO?

8 MS. NICOLAOU: CAN YOU READ
9 THE NAMES THAT HE SAW?

10 MS. BERKOWITZ: CHUNG LEE,
11 JOHN KIM, YOUNG LEE, AND A
12 WAITER.

13 MS. NICOLAOU: ALL RIGHT.
14 THANK YOU.

15 MS. BERKOWITZ: ALL RIGHT.

16 Q. AND WHERE WAS THE WAITER?

17 A. I DON'T REMEMBER.

18 Q. BUT YOU REMEMBER SEEING HIM ON
19 THE VIDEO?

20 A. I THINK SO.

21 Q. AND WHERE WERE YOU RIGHT BEFORE
22 THE INCIDENT OCCURRED? WHERE WERE YOU?

23 A. IN THAT ROOM, I BELIEVE.

24 Q. IN WHAT ROOM?

25 A. YOUNG LEE'S ROOM.

1 E. SHIN

2 Q. OKAY. AND WHERE DID HE KICK
3 YOU?

4 A. I DON'T REMEMBER, I JUST SAW THE
5 VIDEO.

6 Q. AND WHAT DID YOU SEE ON THE
7 VIDEO? WHAT DO YOU RECALL ON THE
8 VIDEO?

9 A. HE KICKED ME BETWEEN LEGS.

10 Q. WHERE WERE YOU STANDING, RIGHT
11 BEFORE HE KICKED YOU?

12 A. I THINK, ON THE STAIRWAY OR
13 DOOR, WHATEVER YOU CALL IT.

14 Q. OKAY. SO YOU HAD LEFT THE
15 KARAOKE BAR?

16 A. RIGHT.

17 Q. AND THEN WHAT DID YOU DO? DID
18 YOU GO OUT OF A DOOR TO GO TO THE
19 STAIRWAY?

20 A. I THINK SO, WITH JOHN KIM
21 BECAUSE HE WAS DRIVING ME BACK.

22 Q. WAS THE DOOR CLOSED?

23 A. I DON'T REMEMBER.

24 Q. WAS THE DOOR CLOSED WHILE YOU
25 WERE IN THE STAIRWELL?

1 E. SHIN

2 A. I DON'T REMEMBER.

3 Q. WAS THE WAITER ON THE LANDING OF
4 THE STAIRWELL?

5 A. WHO?

6 Q. THE WAITER?

7 A. I DON'T KNOW.

8 Q. WHERE WAS HE WHEN YOU BELIEVED
9 THAT YOUNG LEE KICKED YOU?

10 A. I THINK, HE'S IN THE HALL.

11 Q. OKAY.

12 A. I DO NOT KNOW. OKAY. YOU SAID
13 DON'T GUESS, RIGHT?

14 Q. THANK YOU. I APPRECIATE THAT.
15 SO, TO YOUR KNOWLEDGE, DID THE WAITER
16 HEAR THE ARGUMENT?

17 A. I THINK SO.

18 Q. WHY DO YOU THINK THAT?

19 A. THAT'S WHAT CHUNG KANE LEE TOLD
20 ME.

21 Q. WHEN DID HE TELL YOU THAT?

22 A. "WHAT HAPPENED?" "I TRIED TO
23 BLOCK HIM WITH THE WAITER OR
24 SOMETHING."

25 Q. TRIED TO BLOCK WHO?

1 E. SHIN

2 A. BLOCK YOUNG LEE.

3 Q. SO CHUNG LEE TOLD YOU THAT YOU
4 TRIED TO BLOCK YOUNG LEE WITH THE
5 WAITER?

6 A. RIGHT, BECAUSE HE SAID HE WAS
7 "VERY AGGRESSIVE."

8 Q. WHEN DID CHUNG LEE TELL YOU
9 THIS?

10 A. AFTER THAT NIGHT, HE VISIT
11 ME(SIC).

12 Q. IN THE HOSPITAL?

13 A. NO, NOT HOSPITAL. HOME, I
14 BELIEVE.

15 Q. OKAY. THAT'S THE FIRST TIME HE
16 TOLD YOU THAT?

17 A. RIGHT.

18 Q. DO YOU KNOW WHAT YOUNG LEE WAS
19 BEING AGGRESSIVE ABOUT?

20 A. I DO NOT KNOW.

21 Q. DO YOU KNOW WHY HE MIGHT BE
22 UPSET?

23 A. I DO NOT KNOW. I WANT TO ASK
24 HIM.

25 Q. HAVE YOU EVER ASKED HIM, UP

1 E. SHIN

2 UNTIL TODAY?

3 A. NO. AGAIN, I DO NOT KNOW HIM.

4 Q. RIGHT. DID ANYONE TELL YOU, UP
5 UNTIL TODAY, WHY YOUNG LEE WAS UPSET?

6 A. NO, NOBODY.

7 Q. DID YOUNG LEE'S -- DID YOUNG LEE
8 MAKE CONTACT WITH YOUR BODY BEFORE THE
9 INCIDENT?

10 A. I THINK WE EXCHANGED SOME BAD
11 WORDS WITH EACH OTHER.

12 Q. BAD WORDS?

13 A. ACCORDING TO VIDEO, I USE MY
14 FINGER, HE USE HIS FINGER.

15 Q. WHAT FINGER? THE MIDDLE FINGER?

16 A. YEAH, THE MIDDLE FINGER.

17 Q. YOU GAVE HIM THE MIDDLE FINGER?

18 A. YEAH, I THINK SO.

19 Q. YOU DON'T KNOW WHY?

20 A. I DON'T REMEMBER.

21 Q. DID HE GIVE IT BACK?

22 A. YEAH. HE MAY SAY SOMETHING TO
23 ME THAT'S WHY I GIVE HIM THE MIDDLE
24 FINGER.

25 Q. BUT YOU DON'T REMEMBER?

1 E. SHIN

2 A. I DON'T REMEMBER.

3 Q. THEN WHAT HAPPENED?

4 A. I THINK THAT HE KICKED ME.

5 Q. WHERE DID HE KICK YOU?

6 A. I DO NOT KNOW.

7 Q. DID HE TOUCH YOU WITH HIS FOOT?

8 A. YES.

9 Q. WHERE DID IT MAKE CONTACT WITH
10 YOU?

11 A. I DO NOT REMEMBER. ACCORDING TO
12 VIDEO BECAUSE OF THAT KICK, I GO ALL
13 THE WAY DOWN. IT WAS DARK THERE, I
14 THINK.

15 Q. YOU FELL DOWN WHERE?

16 A. I THINK, GROUND FLOOR.

17 Q. WHAT DO YOU MEAN THE "GROUND
18 FLOOR"?

19 A. THE BOTTOM OF THE STAIRS.

20 Q. HOW MANY STAIRS DO YOU THINK YOU
21 FELL DOWN?

22 A. I DO NOT REMEMBER.

23 Q. AND WHERE WERE YOU STANDING
24 RIGHT BEFORE HE KICKED YOU?

25 A. I THINK I WAS ON THE WAY OUT, I

1 E. SHIN

2 BELIEVE.

3 Q. AND WHAT DO YOU MEAN YOU WERE
4 "ON THE WAY OUT"?

5 A. THE TOP OF THE STAIRS.

6 Q. WERE ANY OF YOUR FEET ON THE
7 STAIRS?

8 A. I DO NOT KNOW.

9 Q. OKAY. AND IS IT -- WAS THE
10 WAITER STANDING THERE WHEN YOU FELL?

11 A. I DO NOT KNOW.

12 Q. AND DID THE MANAGER OR THE OWNER
13 WHO YOU DEFINED AS A LADY --

14 A. YES.

15 Q. -- WITH THE LAST NAME MOON --

16 A. MOON.

17 Q. WAS SHE PRESENT WHEN THE
18 ARGUMENT WAS TAKING PLACE?

19 A. I DO NOT REMEMBER.

20 Q. DO YOU KNOW WHERE SHE WAS?

21 A. I DO NOT KNOW.

22 Q. AND HOW TALL ARE YOU?

23 A. 5'8.

24 Q. AND HOW MUCH DID YOU WEIGH AT
25 THAT TIME?

1 E. SHIN

2 A. 225.

3 Q. AND WHAT ABOUT YOUNG LEE? CAN
4 YOU TELL ME SOMETHING ABOUT HIS HEIGHT
5 AND WEIGHT?

6 A. AROUND ME, 5'6 OR 5'7.

7 Q. AND WHAT ABOUT HIS WEIGHT?

8 A. PROBABLY, 170.

9 Q. DO YOU REMEMBER WHAT THE WAITER
10 WAS WEARING? WAS HE WEARING A UNIFORM?

11 A. I DO NOT REMEMBER. MAYBE A
12 WHITE SHIRT, I'M NOT SURE.

13 Q. OKAY. DID YOU KNOW WHERE YOUNG
14 LEE WAS BEFORE THE KARAOKE BAR?

15 A. I DO NOT KNOW.

16 Q. DID HE HAVE ANY ALCOHOL BEFORE
17 THE KARAOKE BAR?

18 A. I DO NOT KNOW.

19 Q. DO YOU KNOW OF ANYBODY WHO YOU
20 BELIEVE WAS EMPLOYED BY THE KARAOKE BAR
21 WHO KNEW THAT YOUNG LEE WAS DRUNK?

22 A. I DO NOT KNOW.

23 Q. DO YOU KNOW OF ANYBODY AT THE
24 KARAOKE BAR WHO YOU BELIEVE WAS
25 EMPLOYED BY THE KARAOKE BAR THAT

1 E. SHIN

2 WITNESSED THE VERBAL ARGUMENT?

3 A. I DO NOT KNOW.

4 MS. BERKOWITZ: DO YOU WANT
5 TO WATCH THE VIDEO?

6 MS. NICOLAOU: SURE.

7 MS. BERKOWITZ: CAN WE PLAY
8 THE VIDEO? AND I'D LIKE TO HAVE
9 HIM IDENTIFY IT.

10 MR. BASIL: AS BEST AS YOU
11 CAN.

12 MS. BERKOWITZ: AS BEST YOU
13 CAN.

14 YOU WANT TO PLAY IT BACK?

15 MR. BASIL: YEAH, LET'S PLAY
16 IT BACK.

17 MS. NICOLAOU: JUST FOR THE
18 RECORD, CAN WE ALL AGREE THAT
19 IT'S SOMEONE RECORDING THE SCENE
20 THAT'S PLAYING THE SECURITY
21 FOOTAGE?

22 MS. BERKOWITZ: RIGHT.

23 MR. BASIL: CORRECT.

24 MS. NICOLAOU: OKAY.

25 (WHEREUPON, SECURITY FOOTAGE

1 E. SHIN

2 CLIP WAS MARKED AS DEFENDANT'S
3 EXHIBIT A FOR IDENTIFICATION AS OF
4 THIS DATE.)

5 (WHEREUPON, COUNSEL PLAYS
6 SECURITY FOOTAGE CLIP.)

7 Q. OKAY. MR. SHIN --

8 A. THAT'S ME.

9 Q. SO YOU CAN IDENTIFY YOURSELF AS
10 THE INDIVIDUAL?

11 MS. NICOLAOU: WEARING
12 GLASSES.

13 A. THIS IS JOHN KIM (POINTING).

14 Q. YOU ARE --

15 MR. BASIL: OUT OF THE THREE
16 PEOPLE -- THE ONE IN THE MIDDLE.

17 MS. NICOLAOU: LEANING
18 AGAINST THE WALL.

19 Q. IS THAT WITH YOUR MIDDLE FINGER?

20 A. RIGHT.

21 Q. THE ONE IN THE FRONT -- JOHN
22 KIM, WITH THE GLASSES?

23 A. YES.

24 Q. WHAT ABOUT ON THE LEFT?

25 A. CHUNG LEE.

1 E. SHIN

2 Q. CHUNG LEE. HE'S NOT WEARING A
3 SUIT, CORRECT?

4 A. NO.

5 Q. BUT WITH GLASSES. AND IS YOUNG
6 LEE THE GENTLEMEN THAT CHUNG LEE IS
7 HOLDING?

8 A. I DON'T KNOW HIM SO DON'T ASK
9 ME. IF I MET HIM IN THE STREET, I CAN
10 NOT RECALL.

11 Q. YOU DON'T KNOW WHAT HE LOOKS
12 LIKE?

13 A. NO.

14 MS. BERKOWITZ: CAN YOU
15 REWIND IT?

16 Q. THE GENTLEMEN IN THE GREEN SHIRT
17 WHO CHUNG LEE IS HOLDING BACK, DO YOU
18 BELIEVE THAT'S YOUNG LEE?

19 A. YES.

20 Q. DO YOU SEE THE WAITER IN THE
21 VIDEO?

22 A. NO.

23 Q. DO YOU KNOW WHERE THE WAITER IS
24 IN RELATION TO WHAT'S DEPICTED IN THE
25 VIDEO?

1 E. SHIN

2 A. OVER HERE (POINTING).

3 Q. YOU'RE NOT SURE?

4 A. I'M NOT SURE.

5 Q. DO YOU KNOW IF HE WITNESSED

6 THIS?

7 A. NO.

8 Q. DO YOU KNOW FOR SURE?

9 A. NO, I'M NOT SURE.

10 Q. DO YOU SEE YOUNG LEE KICK YOU IN

11 THE VIDEO?

12 A. YES.

13 Q. WHERE DO YOU SEE THAT?

14 A. NOT THIS VIDEO, BUT VIDEO THAT I

15 SAW.

16 Q. WAS DIFFERENT?

17 MS. NICOLAOU: COUNSEL, WAS

18 THERE ANOTHER VIDEO?

19 A. IT'S THE SAME VIDEO BUT MAYBE

20 DIFFERENT. I DON'T REMEMBER -- I DON'T

21 KNOW IF HE KICKED ME OR NOT BECAUSE

22 PEOPLE TOLD ME I GOT KICKED. DA TOLD

23 ME THAT SO MAYBE THAT'S MY MEMORY.

24 Q. WHO TOLD YOU THAT HE KICKED YOU?

25 A. DA.

1 E. SHIN

2 MR. BASIL: DISTRICT
3 ATTORNEY.

4 Q. THE DA TOLD YOU THAT YOUNG LEE
5 KICKED YOU?

6 A. YES.

7 Q. DID ANYONE ELSE TELL YOU THAT HE
8 KICKED YOU?

9 A. MR. CHUNG LEE AND JOHN KIM AND
10 THEY KEEP TELLING ME THAT WE TRIED TO
11 BLOCK HIM BUT HE DID IT BETWEEN THE
12 LEGS OF CHUNG LEE.

13 Q. SO WHO TOLD YOU THAT THEY TRIED
14 TO BLOCK YOUNG LEE?

15 A. CHUNG LEE.

16 Q. THAT'S WHAT YOU SEE IN THE
17 VIDEO, CHUNG LEE WAS TRYING TO BLOCK --

18 A. YES.

19 Q. DO YOU KNOW WHAT HE WAS TRYING
20 TO BLOCK HIM FROM DOING?

21 A. YES, I THINK SO.

22 Q. WHAT?

23 A. HE PROTECTS ME, HE'S MY
24 LONG-TIME FRIEND.

25 Q. CHUNG LEE WAS TRYING TO PROTECT

1 E. SHIN

2 YOU FROM YOUNG LEE?

3 A. YES, HE PROTECT ME SINCE I'M 11
4 BECAUSE HE'S A BIG GUY AND WE WERE IN
5 THE SAME MIDDLE SCHOOL IN CLASS SO I
6 TOLD HIM THAT. I COMPLAINED TO HIM
7 THAT, "GOD, IN MIDDLE SCHOOL YOU SAVE
8 ME FROM THE BIG GUY FROM HITTING ME BUT
9 THIS TIME, HOW DARE YOU NOT PROTECT
10 ME?" HE SAID, "I TRY BUT HE DID IT
11 BETWEEN MY LEGS, TOO. I COULDN'T. I
12 WAS DRUNK, TOO," HE SAID.

13 Q. CHUNG LEE WAS DRUNK, TOO?

14 A. YEAH.

15 Q. SO YOU THINK YOUNG LEE KICKED
16 BETWEEN CHUNG LEE'S LEG?

17 A. YES.

18 Q. OKAY. AND BESIDES THE FOUR
19 PEOPLE THAT YOU SEE IN THE VIDEO, WAS
20 ANYBODY ELSE ON THE LANDING AT THE TIME
21 THAT THIS WAS HAPPENING THAT YOU KNOW
22 OF?

23 A. I DO NOT KNOW.

24 Q. OKAY. HAS ANYBODY TOLD YOU, UP
25 UNTIL TODAY, THAT THEY WERE A WITNESS

1 E. SHIN

2 TO THIS, OTHER THAN WHAT --

3 A. JOHN KIM?

4 Q. -- JOHN KIM.

5 A. JOHN KIM AND CHUNG LEE.

6 Q. ANYBODY ELSE?

7 A. I DON'T REMEMBER.

8 Q. WHERE WAS DANIEL PARK, AT THE
9 TIME?

10 A. HE WAS ASLEEP.

11 Q. OKAY. HAS HE EVER TOLD YOU THAT
12 HE WAS A WITNESS OF WHAT HAPPENED THAT
13 NIGHT?

14 A. HE KEPT TELLING ME THAT I WAS
15 KNOCKED OUT AND ASLEEP.

16 Q. DANIEL PARK SAID HE WAS
17 SLEEPING?

18 A. YES.

19 Q. DO YOU KNOW THAT YOU IDENTIFIED
20 HIM AS A WITNESS IN THIS CASE? DO YOU
21 KNOW WHAT HE WAS A WITNESS TO?

22 A. DANIEL PARK?

23 Q. RIGHT.

24 A. YEAH, HE WAS INTRODUCING YOUNG
25 LEE AND I THINK HE'S THE ONE THAT

1 E. SHIN

2 INVITED ME INTO THE ROOM.

3 Q. THAT'S WHAT YOU THINK HE WAS A
4 WITNESS TO?

5 A. YES.

6 Q. OKAY. DID YOU EVER DISCUSS THIS
7 INCIDENT WITH ANYBODY AT THE KARAOKE
8 CLUB AFTER THAT NIGHT, UP UNTIL TODAY?

9 A. NO.

10 Q. HAVE YOU BEEN BACK?

11 A. NO. I'VE BEEN IN CHUNG LEE'S
12 RESTAURANT ON FIRST FLOOR BUT I'VE NOT
13 BEEN THERE. I DON'T WANT TO SIT, I
14 DON'T WANT TO GO THERE. NO WAY.

15 Q. DID YOU GIVE ANY STATEMENTS TO
16 THE POLICE, IN CONNECTION WITH YOUNG
17 LEE'S ARREST, UP UNTIL TODAY?

18 A. NO.

19 Q. NOT THAT NIGHT OR EVER, NO
20 STATEMENTS?

21 A. NO STATEMENT, JUST DA ASKED ME
22 SOME QUESTIONS.

23 Q. WHAT DID THE DA ASK YOU?

24 A. SHE SAID -- SHE ASK ME IF I
25 WOULD LIKE TO CHARGE HIM FOR A FELONY

1 E. SHIN

2 BUT NOT IN THE JAIL TERM AND CHUNG LEE
3 DOESN'T HAVE ANY ARREST TO LET GO AND
4 SHE TOLD ME HE'S 60 YEARS OLD AND "ARE
5 YOU OKAY WITH NOT GIVING JAIL TIME,"
6 SOMETHING LIKE THAT, AND MY WIFE WAS
7 VERY UPSET AND I SAID -- AND DA
8 CONVINCED ME -- "YOU KNOW, BOTH OF YOU
9 WERE DRUNK. IT'S AN ACCIDENT."

10 Q. OKAY. THE DA SAID IT WAS AN
11 ACCIDENT?

12 A. YES, ACCIDENT. AND SHE TOLD ME,
13 "IF YOU'RE BEHIND THE WALL AND THE
14 STAIRWAY WAS MORE SAFER, YOU SHOULDN'T
15 BE GETTING INJURY LIKE THIS."

16 Q. SO YOU AGREED TO THE LESSER
17 CHARGE?

18 A. YES, WITH THE DA.

19 Q. AND IS THAT A CONVERSATION THAT
20 YOU HAD WITH THE DA IN PERSON OR OVER
21 THE PHONE OR WHAT?

22 A. SHE LIKE TO SEE ME SO I WENT TO
23 HER OFFICE IN JUNE OR JULY.

24 Q. DID SHE TAKE A RECORDING?

25 A. I DON'T THINK SO, I'M NOT SURE.

1 E. SHIN

2 I DON'T THINK SO.

3 Q. DID YOU SIGN ANYTHING?

4 A. NO, SHE JUST NOTIFIED ME OF WHAT
5 SHE WAS DOING. SHE WAS PRETTY UPSET,
6 TOO, ABOUT MY HEAVY INJURY BUT SHE WAS
7 FAIR. LET ME SAY THIS, DA WAS VERY
8 FAIR.

9 Q. OKAY. I'M GOING TO PASS TO MY
10 CO-COUNSEL FOR A COUPLE OF MINUTES.

11 A. OKAY.

12 EXAMINATION

13 BY MS. NICOLAOU:

14 Q. GOOD AFTERNOON, MR. SHIN. MY
15 NAME IS CARMEN NICOLAOU. I'M FROM
16 CHARTWELL. I REPRESENT THE WANG AND
17 THE TRUST AND THE WU DEFENDANTS. THEY
18 WERE THE OWNERS OF THE BUILDING AT THE
19 TIME.

20 I'M JUST GOING TO BE ASKING YOU
21 SOME FOLLOW-UP QUESTIONS THAT WERE
22 TOUCHED ON BY CO-DEFENDANT AND THE SAME
23 RULES APPLY. OKAY?

24 A. SURE.

25 Q. SO, I JUST WANT TO BE CLEAR.

1 E. SHIN

2 FROM THE MOMENT YOU WALKED OUT OF THE
3 FIRST ROOM -- AND THAT'S THE ROOM MR.
4 YOUNG LEE WAS IN AND MR. PARK, RIGHT?
5 YOU DON'T REALLY REMEMBER ANYTHING THAT
6 HAPPENED; IS THAT RIGHT?

7 A. I REMEMBER WE WENT THERE, WE
8 INTRODUCE --

9 Q. NO, NO, NO. LET ME BE CLEAR.
10 FROM THE MOMENT YOU WALKED OUT OF THAT
11 FIRST ROOM TO LEAVE FOR THE NIGHT, YOU
12 DON'T REMEMBER WHAT HAPPENED?

13 A. I DO NOT.

14 Q. SO YOU DON'T HAVE NO
15 RECOLLECTION OF THIS FIGHT, YOU DON'T
16 HAVE ANY RECOLLECTION OF ANYBODY
17 KICKING YOU OR FALLING DOWN THE STAIRS;
18 IS THAT RIGHT?

19 A. YES.

20 Q. EVERYTHING THAT YOU TESTIFIED TO
21 IS BASED ON WHAT YOU SAW IN THE VIDEO
22 AND WHAT PEOPLE HAVE TOLD YOU?

23 A. RIGHT.

24 Q. AS TO WHAT THEY SAW, RIGHT?

25 A. YES, THAT'S RIGHT.

1 E. SHIN

2 Q. NOW, YOU'VE BEEN TO THIS KARAOKE
3 BAR BEFORE?

4 A. YES.

5 Q. I THINK YOU SAID 10 TIMES?

6 A. YES, OVER FIVE YEARS.

7 Q. AND IT'S LOOKED THE SAME OVER
8 THE FIVE YEARS?

9 A. I THINK SO.

10 Q. DO YOU HAVE A RECOLLECTION OF
11 WHETHER IT'S CHANGED AT ALL FROM THE
12 TIME YOU FIRST WENT THERE UNTIL THE DAY
13 OF YOUR ACCIDENT?

14 A. JUST THE STAIRWAY THERE. I KNOW
15 THAT.

16 Q. WAS THE STAIRWAY THE SAME?

17 A. I THINK SO BUT I ALWAYS USE
18 ELEVATOR.

19 Q. YOU'VE SEEN THE STAIRWAY? THE
20 STAIRWAY HAS ALWAYS BEEN THE SAME? I
21 JUST WANT TO BE CLEAR WHETHER IT'S
22 CHANGED OR BEEN THE SAME. IT'S BEEN
23 THE SAME?

24 A. YES.

25 Q. HAVE YOU EVER TAKEN THE STAIRWAY

1 E. SHIN

2 IN THE SIX TIMES THAT YOU WERE AT THIS
3 IN THE KARAOKE BAR?

4 A. I USE ELEVATOR BUT THAT NIGHT, I
5 DON'T KNOW WHY I'M STANDING THERE.
6 MAYBE, ELEVATOR DIDN'T WORK AT THE
7 TIME, I'M NOT SURE.

8 MS. BERKOWITZ: DON'T GUESS
9 AT ANYTHING.

10 THE WITNESS: THAT'S WHY I
11 SAY "I'M NOT SURE."

12 Q. MR. SHIN, MY QUESTION TO YOU IS,
13 DID YOU USE THE ELEVATOR -- WE'LL KEEP
14 IT WITH THE EXCEPTION OF THE LAST NIGHT
15 YOU WERE THERE ON THE NIGHT OF YOUR
16 ACCIDENT.

17 A. RIGHT.

18 Q. THE OTHER PRIOR TRIPS TO THIS
19 KARAOKE BAR, DID YOU ONLY USE THE
20 ELEVATOR?

21 A. YES.

22 Q. YOU NEVER WENT UP THE STAIRS,
23 NEVER WENT DOWN THE STAIRS, RIGHT?

24 A. RIGHT, BECAUSE I'M SCARED. I
25 DON'T LIKE THE STAIRWAY.

1 E. SHIN

2 Q. YOU INDICATED IN YOUR TESTIMONY
3 THAT NOAH BANK WAS FINANCING THE
4 PURCHASE OF THIS BUILDING?

5 A. YES.

6 Q. OKAY. AND DID NOAH BANK
7 PURCHASE THIS BUILDING?

8 A. NOT PURCHASE, FINANCE.

9 Q. THEY PROVIDED THE MORTGAGE?

10 A. YES.

11 Q. AND WHAT WAS THE MORTGAGE
12 AMOUNT?

13 A. I THINK ABOUT \$4.5 MILLION.

14 Q. AND NOAH BANK APPROVED THE
15 MORTGAGE AMOUNT?

16 A. YES.

17 Q. WERE YOU INVOLVED IN THAT
18 PROCESS?

19 A. YES.

20 Q. SO YOU HAVE HAVING BEEN A PATRON
21 OF THAT BUILDING OVER HOW MANY YEARS,
22 SIX YEARS?

23 A. SIX YEARS, FIVE YEARS.

24 Q. FIVE, SIX YEARS, WE'LL SAY. AND
25 YOUR TITLE AT THE BANK IS WHAT?

1 E. SHIN

2 A. PRESIDENT.

3 Q. AND CEO OR JUST PRESIDENT?

4 A. CEO AND PRESIDENT.

5 Q. SO YOU HOLD PRESIDENT TITLE AND

6 CHIEF EXECUTIVE OFFICER, CHIEF

7 EXECUTIVE OFFICER IS YOUR TITLE WITH

8 RESPECT TO THE BOARD; IS THAT RIGHT?

9 A. RIGHT.

10 Q. AND YOUR PRESIDENT TITLE IS THE

11 OFFICER OF THE BANK; IS THAT RIGHT?

12 A. RIGHT.

13 Q. SO AS PRESIDENT AND CHIEF

14 EXECUTIVE OFFICER, YOU'VE BEEN TO THIS

15 KARAOKE BAR FOR FIVE OR SIX YEARS, YOU

16 APPROVED FOR A -- I'M SORRY. HOW MUCH

17 WAS THAT?

18 A. \$4.5 MILLION.

19 Q. \$4.5 MILLION FINANCE OF THIS

20 BUILDING, RIGHT?

21 A. RIGHT.

22 Q. AND THE PURPOSE OF NOAH BANK IS

23 TO MAKE MONEY OFF OF THE LOAN?

24 A. YES.

25 Q. AND WOULD NOAH BANK MORTGAGE OR

1 E. SHIN

2 FINANCE A BUILDING THAT IS NOT IN GOOD
3 SHAPE?

4 A. I'M NOT SURE ABOUT "NOT IN GOOD
5 SHAPE," BUT THE CLIENT -- MR. CHUNG
6 KANE LEE IS A VERY STRONG PARTNER AND
7 BASED ON THAT WE MADE IT AND BASED ON
8 THE APPRAISAL.

9 Q. IF YOU FELT THE BUILDING WAS NOT
10 A GOOD BUILDING, WOULD YOU APPROVE THE
11 FINANCE OF THAT BUILDING FOR
12 \$4.5 MILLION?

13 A. WE HAVE TO TAKE A LOOK AT THE
14 OTHER MEASUREMENT. SO IF IT NEEDS
15 IMPROVEMENTS, WE CAN ASK TO MAKE
16 IMPROVEMENTS.

17 Q. THE BUILDING RIGHT NOW IS BEING
18 FINANCED BY THE BANK, NOAH BANK?

19 A. RIGHT.

20 Q. AND THE STAIRCASE YOU REFERRED
21 TO, YOU DESCRIBED AS "SCARY LOOKING";
22 IS THAT RIGHT?

23 A. YES.

24 Q. IT'S STILL THERE, RIGHT?

25 A. NO, THEY FIXED IT.

1 E. SHIN

2 Q. WHEN DID THEY FIX IT?

3 A. BECAUSE OF MY STRONG

4 RECOMMENDATION TO FIX IT.

5 Q. WHEN?

6 A. I DO NOT REMEMBER.

7 Q. IF I WAS TO REPRESENT TO YOU,

8 MR. SHIN, THAT THE STAIRCASE WAS

9 EXACTLY HOW IT WAS BEFORE THE ACCIDENT,

10 WOULD THAT SURPRISE YOU?

11 MR. BASIL: OKAY. OBJECT TO

12 THE FORM.

13 A. I DON'T THINK SO.

14 Q. YOU SAW THE VIDEO. YOU SEEN IT

15 100 TIMES, RIGHT?

16 A. NO, JUST ONE TIME.

17 Q. ONLY ONE TIME. THAT'S IT?

18 A. YES.

19 Q. SO, WE'RE GOING TO SEE IT MORE

20 THAN ONE TIME.

21 A. OKAY.

22 Q. WHEN WAS THE LAST TIME, BEFORE

23 TODAY, THAT YOU SAW THIS VIDEO?

24 A. ALMOST 18 MONTHS AGO.

25 Q. AND YOU ONLY SAW IT THAT ONE

1 E. SHIN

2 TIME?

3 A. YES.

4 Q. OKAY.

5 A. I DO NOT WANT TO TAKE A LOOK.

6 Q. I UNDERSTAND. NOW, MR. SHIN, DO
7 YOU KNOW WHO WAS VIDEOTAPING, I GUESS,
8 THE COMPUTER MONITOR THAT WAS PLAYING
9 THE SECURITY FOOTAGE?

10 A. I DO NOT KNOW.

11 Q. THE KARAOKE BAR --

12 A. I DO NOT KNOW.

13 Q. -- I'M NOT DONE WITH MY QUESTION
14 MR. SHIN.

15 THE KARAOKE BAR, IS IT STILL
16 THERE TODAY?

17 A. I DO NOT KNOW.

18 Q. HAVE YOU BEEN THERE SINCE?

19 A. NO.

20 Q. OKAY. WE'RE GOING TO HIT PLAY
21 AGAIN. I'M GOING TO POINT TO YOU,
22 MR. SHIN. THAT'S YOU (POINTING),
23 CORRECT?

24 A. RIGHT.

25 Q. IN THIS PORTION OF THE VIDEO,

1 E. SHIN

2 WHICH IS, I THINK, THREE SECONDS IN; IS
3 THAT RIGHT? WE'RE GOING TO MAKE SURE
4 WE'RE ON THE RIGHT SCENE.

5 A. RIGHT.

6 Q. THAT'S YOU, MR. SHIN, CORRECT
7 (POINTING)? LEANING UP AGAINST THE
8 WALL?

9 A. RIGHT.

10 Q. AND YOU'RE HOLDING UP A MIDDLE
11 FINGER?

12 A. RIGHT.

13 Q. WHERE IS YOUR LEFT FOOT? CAN
14 YOU SEE IT?

15 A. I DO NOT KNOW.

16 Q. DOES IT APPEAR IN THIS VIDEO
17 FOOTAGE, MR. SHIN, THAT YOU'RE STANDING
18 ON THE TOP STEP -- THE TOP LANDING AND
19 THE FIRST STEP DOWN? DOES THAT LOOK
20 LIKE WHAT YOU'RE DOING? TAKE A CLOSE
21 LOOK, IF YOU HAVE TO.

22 A. IT LOOKS LIKE.

23 Q. YOU AGREE WITH ME? WILL YOU
24 AGREE WITH THAT STATEMENT THAT YOU'RE
25 STANDING -- WHAT APPEARS TO BE ONE FOOT

1 E. SHIN

2 ON THE LANDING AND YOUR SECOND FOOT
3 WHICH WOULD BE YOUR RIGHT FOOT, ON THE
4 TOP STEP; IS THAT RIGHT?

5 A. IF YOU SAY SO.

6 Q. I'M NOT ASKING -- I'M ASKING IF
7 THAT'S WHAT YOU SEE IN THIS VIDEO,
8 MR. SHIN?

9 A. LOOKS LIKE IT.

10 Q. OKAY. FAIR ENOUGH.

11 LET ME SEE IF I CAN GET THIS
12 RIGHT. OKAY. AND WE'RE ONE SECOND
13 MORE. YOU'RE STILL HOLDING UP YOUR
14 MIDDLE FINGER, RIGHT? YOUR POSITION IS
15 STILL THE SAME?

16 A. RIGHT.

17 Q. YES?

18 A. YES.

19 Q. OKAY. NOW WE'RE EIGHT SECONDS
20 INTO THE VIDEO, IS YOUR MIDDLE FINGER
21 STILL UP THERE?

22 A. I THINK SO.

23 Q. DOES IT LOOK LIKE IT IS, SIR?

24 A. YES.

25 Q. ALL RIGHT. SO FOR FIVE SECONDS

1 E. SHIN

2 YOUR MIDDLE FINGER IS STILL POINTED UP?

3 A. YES.

4 MS. NICOLAOU: DID I START
5 IT OVER?

6 MR. BASIL: YES.

7 MS. NICOLAOU: OKAY. GIVE
8 ME A SECOND.

9 Q. NOW, WE'RE 11 SECONDS INTO THE
10 VIDEO, YOU'RE STILL IN THE SAME
11 LOCATION, RIGHT, YOU HAVEN'T MOVED?

12 A. OKAY.

13 Q. IS THAT CORRECT?

14 A. OKAY.

15 Q. I NEED "YES" OR "NO," MR. SHIN.
16 I NEED YOU TO EITHER AGREE WITH ME OR
17 NOT AGREE WITH ME.

18 A. IT LOOKS LIKE IT -- I KEEP
19 TELLING YOU IT LOOKS LIKE ACCIDENT.

20 Q. THANK YOU. SO IT LOOKS LIKE
21 YOU'RE STILL IN THE SAME POSITION; YOUR
22 BACK IS UP AGAINST THE WALL, YOUR FIRST
23 FOOT IS ON THE LANDING, YOUR SECOND
24 FOOT IS ON THE FIRST STEP. FAIR TO
25 SAY?

1 E. SHIN

2 A. OKAY.

3 Q. OKAY. NOW, 11 SECONDS INTO THE
4 VIDEO, WHAT DO YOU SEE HERE, MR. SHIN?

5 A. OKAY. MY BODY FALLING.

6 Q. YEAH. WHERE ARE YOUR ARMS?

7 A. HMM?

8 Q. WHERE ARE YOUR ARMS?

9 A. IN THE AIR.

10 Q. SO THEY'RE UP IN FRONT OF YOU,
11 RIGHT?

12 A. RIGHT.

13 Q. I WANT TO CALL IT LIKE A "SUPER
14 MAN." OKAY?

15 A. OKAY.

16 Q. AM I RIGHT OR IS MY DESCRIPTION
17 INCORRECT?

18 A. I DON'T REMEMBER.

19 Q. I'M ASKING YOU WHAT SHOWS IN
20 THIS VIDEO. I'M NOT ASKING YOU WHAT
21 YOU REMEMBER BECAUSE I UNDERSTAND YOU
22 DON'T REMEMBER WHAT HAPPENED THAT
23 NIGHT.

24 A. RIGHT.

25 Q. OKAY. AND YOU DON'T REMEMBER --

1 E. SHIN

2 A. THIS IS MY FIRST TIME I SEE
3 THIS.

4 Q. I UNDERSTAND, SO WE'RE WALKING
5 THROUGH IT --

6 MS. BERKOWITZ: YOU CAN
7 WATCH IT AS MANY TIMES AS YOU
8 WANT.

9 Q. IF YOU WANT ME TO REWIND, I'LL
10 BE HAPPY TO.

11 A. ALL RIGHT.

12 Q. NOW, I'M ASKING WHAT'S BEING
13 SHOWN IN THE VIDEO. NOW, THE VIDEO
14 SHOWS YOU'RE STARTING YOUR FALL DOWN
15 THE STAIRS; IS THAT RIGHT?

16 A. OKAY.

17 Q. AND YOUR ARMS ARE STRETCHED OUT
18 IN FRONT OF YOU; IS THAT CORRECT?

19 A. OKAY.

20 Q. "OKAY." IS THAT YOUR WAY OF
21 SAYING "YES," MR. SHIN?

22 A. NO, LOOKS LIKE.

23 Q. IT LOOKS LIKE THAT'S WHAT IT'S
24 SHOWING IN THE VIDEO?

25 A. YES.

1 E. SHIN

2 Q. OKAY. I'M SORRY IF I ASKED YOU.
3 DO YOU KNOW WHO WAS TAPING THIS VIDEO
4 FOOTAGE FROM THE SCENE? DO YOU KNOW
5 THAT?

6 A. I DO NOT KNOW.

7 Q. WERE YOU -- WHEN YOU SAW THE
8 VIDEO FOOTAGE FOR THE FIRST TIME, WAS
9 IT THIS PARTICULAR VIDEO FOOTAGE? IN
10 OTHER WORDS, DID YOU SEE IT ON THE
11 COMPUTER SCREEN OF THE ACTUAL FOOTAGE
12 OR DID YOU SEE SOMEBODY'S TAPING OF
13 THAT FOOTAGE?

14 DO YOU UNDERSTAND? IN OTHER
15 WORDS, DID YOU SEE THIS PARTICULAR
16 VIDEO FOOTAGE?

17 A. NO, DIFFERENT. I THINK SOMEBODY
18 TAKING THIS(SIC).

19 Q. YES, I AGREE WITH YOU, MR. SHIN,
20 BUT THE ONE YOU SAW FOR THE FIRST TIME
21 WAS 18 MONTHS AGO, THAT WAS A DIFFERENT
22 ONE THAN THIS ONE, RIGHT?

23 A. RIGHT.

24 Q. WHERE WERE YOU WHEN YOU SAW
25 THIS?

1 E. SHIN

2 A. WHERE WAS I?

3 Q. WHERE WERE YOU PHYSICALLY WHEN
4 YOU OBSERVED THAT FOOTAGE, THE ONE YOU
5 SAW 18 MONTHS AGO?

6 A. I DO NOT REMEMBER BUT I GOT IT
7 FROM A KOREAN PRESS PEOPLE SO I WAS
8 SHOCKED.

9 Q. WAS IT E-MAILED TO YOU?

10 A. YES. ABOUT THIS VIDEO. THEY
11 SAID DONG, D-O-N-G, LEE, DISPUTED THIS
12 VIDEO TO ALL THE KOREAN PRESS PEOPLE
13 AND HE EVEN PUT THIS THING ON THE
14 YOUTUBE, BUT I NEVER SEEN THE YOUTUBE.

15 MS. NICOLAOU: SO, I GUESS,
16 MY QUESTION IS, BOB, IS THERE
17 ANOTHER FORMAT OF THIS VIDEO THAT
18 YOU'RE AWARE OF?

19 MR. BASIL: I'M NOT. I HAD
20 ONE VIDEO AND THIS IS IT.

21 MS. NICOLAOU: DID YOU LOOK
22 TO SEE IF THERE'S A YOUTUBE
23 FORMAT?

24 MR. BASIL: THIS IS THE
25 FIRST I'M HEARING OF IT.

1 E. SHIN

2 MS. NICOLAOU: FIRST TIME
3 YOU'RE HEARING IT.

4 Q. JUST TO BE CLEAR, MR. SHIN,
5 YOU'RE SAYING THAT THE FIRST TIME YOU
6 SAW THIS VIDEO, IT WASN'T IN THIS
7 FORMAT, RIGHT?

8 A. SIMILAR, BUT NOT IN THIS FORMAT.
9 JUST SOMEBODY TAKE A CAPTURE OF -- LIKE
10 THIS ONE.

11 Q. WAS IT CLEARER? WAS IT BETTER
12 VIDEO FOOTAGE?

13 A. NO.

14 Q. THIS ONE IS BETTER?

15 A. YEAH, THIS ONE IS BETTER.

16 Q. OKAY. WHEN I SAY "BETTER," I
17 MEAN QUALITY-WISE?

18 A. QUALITY.

19 MS. BERKOWITZ: DID YOU SEE
20 ANYTHING ELSE IN THE OTHER VIDEO
21 THAT YOU DON'T SEE IN THIS VIDEO?

22 THE WITNESS: NO, THIS ONE
23 LOOKS LIKE DIVING. FIRST TIME I
24 SEE THAT, RIGHT NOW.

25 Q. NOW, YOU INDICATED THAT WHEN YOU

1 E. SHIN

2 WENT INTO THE SECOND ROOM THERE WAS
3 ALREADY SCOTCH, BEER, AND FRUIT; IS
4 THAT RIGHT?

5 A. RIGHT.

6 Q. WHEN YOU FIRST ARRIVED AND YOU
7 HAD A SHOT OF SCOTCH, BEER -- SCOTCH
8 AND BEER, YOU MIXED IT TOGETHER?

9 A. RIGHT, MIXED.

10 Q. CAN YOU TELL ME HOW MUCH SCOTCH
11 AND BEER WENT INTO THAT GLASS?

12 A. ONE SHOT SCOTCH AND ONE THIRD OR
13 HALF OF BEER.

14 Q. SO ONE SHOT OF SCOTCH AND WHAT
15 WAS THE OTHER PART? WHAT WAS THE BEER
16 PORTION?

17 A. HALF A BOTTLE, ONE THIRD A
18 BOTTLE OF BEER.

19 MR. BASIL: SIX OUNCES,
20 SOMETHING LIKE THAT?

21 Q. SO ABOUT SIX OUNCES. OKAY. AND
22 WHAT KIND OF BEERS WAS IT?

23 A. COORS LIGHT.

24 Q. I'M SORRY?

25 A. COORS LIGHT.

1 E. SHIN

2 Q. AND YOU DRANK THAT SAME
3 CONSISTENCY WHILE YOU WERE IN THE FIRST
4 ROOM?

5 A. I DON'T REMEMBER.

6 Q. THE ROOM IN THE MIDDLE, THE
7 FIRST ROOM YOU VISITED, YOU HAD THE
8 SCOTCH AND THE BEER?

9 A. YES.

10 Q. WHEN YOU ARRIVED TO THE KARAOKE
11 BAR, DID YOU FEEL THAT YOU WERE DRUNK?

12 A. LITTLE.

13 Q. YOU HAD THE BUZZ GOING?

14 A. NO, BUT I REMEMBER WHEN I ARRIVE
15 THERE.

16 Q. YOU FELT DRUNK?

17 A. YEAH, PRETTY GOOD AMOUNT.

18 Q. OKAY. AND HOW LONG DID IT TAKE
19 YOU, FROM WHEN YOU LEFT FORT LEE TO
20 ARRIVE TO THE KARAOKE PLACE?

21 A. LESS THAN AN HOUR, NOT MORE THAN
22 AN HOUR. 45 MINUTES, ONE HOUR.

23 Q. WHEN YOU ARRIVED, YOU TOOK THE
24 ELEVATOR UP?

25 A. I DON'T REMEMBER.

1 E. SHIN

2 Q. SO YOU DON'T REMEMBER IF YOU
3 TOOK THE ELEVATOR OR THE STAIRS?

4 A. RIGHT.

5 Q. DID YOU HAVE ANY PROBLEMS
6 REACHING THE SECOND FLOOR OF THE
7 KARAOKE BAR WHEN YOU ARRIVED TO THE
8 KARAOKE BAR THAT NIGHT?

9 A. I DON'T REMEMBER AND MY HABIT IS
10 ALREADY -- I'M USING THE ELEVATOR OR IF
11 I DON'T, I ALWAYS GRAB THE HANDRAIL.

12 Q. OKAY. I THINK EARLIER THAT YOU
13 TESTIFIED THAT YOU ALWAYS, EXCLUSIVELY,
14 USE THE ELEVATOR?

15 A. YES, BUT IF ELEVATOR ISN'T
16 AVAILABLE -- I ALWAYS USING IT(SIC).

17 Q. IN THAT FACILITY OR JUST
18 GENERALLY SPEAKING?

19 A. GENERALLY SPEAKING.

20 Q. BUT YOU DO NOT REMEMBER THAT
21 EVENING WHEN YOU ARRIVED WHAT YOU DID
22 AND HOW YOU GOT UP TO THE SECOND FLOOR?

23 A. I DON'T REMEMBER. NOT BECAUSE I
24 WAS DRUNK, I DON'T REMEMBER.

25 Q. THAT WAS MY NEXT QUESTION. SO

1 E. SHIN

2 YOU WERE STARTING TO FEEL DRUNK; IS
3 THAT RIGHT?

4 A. YES.

5 Q. AND YOU WENT INTO THE SECOND
6 ROOM WHERE YOU MET UP WITH CHUNG LEE?

7 A. YES.

8 Q. AND YOU GUYS HAD MORE DRINKS?

9 MS. BERKOWITZ: WAIT A
10 SECOND. THE SECOND ROOM WAS
11 YOUNG LEE. FIRST ROOM IS CHUNG
12 LEE.

13 MR. LEVINSON: FIRST ROOM IS
14 "ROOM TWO," SECOND ROOM IS "ROOM
15 ONE."

16 MS. NICOLAOU: I'M GOING TO
17 USE ROOM TWO AND ROOM ONE.

18 Q. WHEN YOU FIRST ENTERED THE
19 KARAOKE BAR AND YOU WENT INTO ROOM TWO
20 WHERE YOUR FRIEND CHUNG LEE WAS?

21 A. YES.

22 Q. AND WE JUST LEARNED HE WAS YOUR
23 FRIEND FROM CHILDHOOD?

24 A. YES.

25 Q. PROTECTED YOU AGAINST BULLIES?

1 E. SHIN

2 A. YES.

3 Q. GOOD FRIEND. KEEP HIM CLOSE.

4 A. NOT GOOD FRIEND. HE'S A GOOD
5 BUSINESSMAN.

6 Q. AND YOU WERE THERE AND YOU HAD
7 -- THERE WAS ALREADY ALCOHOL THERE.
8 AND I GUESS MY QUESTION TO YOU IS,
9 MR. SHIN, DO YOU REMEMBER HOW MUCH
10 SCOTCH WAS LEFT IN THAT BOTTLE WHEN YOU
11 FIRST ARRIVED TO ROOM TWO?

12 A. I DO NOT REMEMBER.

13 Q. WAS IT FULL, HALF EMPTY, CAN YOU
14 APPROXIMATE IN ANY WAY?

15 A. I DO NOT REMEMBER.

16 Q. OKAY. BUT YOU REMEMBER THAT
17 ANOTHER BOTTLE WAS BROUGHT?

18 A. YES, CONSTANT.

19 Q. SO YOU AND CHUNG LEE FINISHED
20 THE FIRST BOTTLE AND THEN ANOTHER
21 BOTTLE WAS BROUGHT?

22 A. MAYBE HE FINISHED THE FIRST
23 BOTTLE, MAYBE I FINISH THE SECOND
24 BOTTLE, I'M NOT SURE.

25 Q. OKAY. CAN YOU ESTIMATE FOR ME,

1 E. SHIN

2 MR. SHIN, HOW MUCH ALCOHOL YOU
3 CONSUMED -- WHETHER IT'S -- HOW MANY
4 BOTTLES OF SCOTCH YOU CONSUMED? DID
5 YOU CONSUME A WHOLE BOTTLE? HALF A
6 BOTTLE?

7 MR. BASIL: IN WHICH ROOM?

8 MS. NICOLAOU: WE'RE TALKING
9 ABOUT ROOM ONE -- ROOM TWO. I'M
10 SORRY.

11 MR. LEVINSON: THE FIRST
12 ROOM HE ENTERED.

13 A. MORE THAN A HALF A BOTTLE.

14 Q. HOW BIG WAS THAT BOTTLE?

15 A. 75 MILLIMETERS.

16 Q. WHO PAID FOR THAT ALCOHOL IN
17 THAT ROOM, ROOM TWO?

18 A. ON THAT NIGHT, I DO NOT
19 REMEMBER.

20 Q. OKAY. AND THEN YOU LEFT, YOU
21 BUMPED INTO YOUR FRIEND, DANIEL PARK?

22 A. RIGHT.

23 Q. AND YOU WENT TO VISIT HIM?

24 A. RIGHT.

25 Q. AND CHUNG LEE STAYED IN HIS

1 E. SHIN

2 ROOM?

3 A. YES.

4 Q. SO HE DIDN'T COME INTO ROOM ONE?

5 A. NO.

6 Q. AND IN THAT ROOM, YOU DRANK SOME
7 MORE?

8 A. RIGHT.

9 Q. WAS IT STRAIGHT SCOTCH OR SCOTCH
10 AND BEER, AS WELL?

11 A. I THINK A MIX. I DON'T REMEMBER
12 EXACTLY BUT I THINK A MIX.

13 Q. DO YOU REMEMBER WHO PAID FOR
14 THAT ALCOHOL?

15 A. I DO NOT REMEMBER BUT I THINK I
16 MAY PAY SOME TOO BECAUSE I DID NOT HAVE
17 MONEY IN MY WALLET.

18 Q. YOU DIDN'T HAVE MONEY IN YOUR
19 WALLET?

20 A. RIGHT.

21 Q. DO YOU BELIEVE YOU PAID SOME
22 CASH?

23 A. YES, I ALWAYS BRING -- I ALWAYS
24 HAVE A MINIMUM OF \$1,000.

25 Q. OKAY. WHEN YOU NORMALLY GO OUT

1 E. SHIN

2 TO DRINK WITH YOUR FRIENDS, DO YOU USE
3 YOUR CARD OR CASH?

4 A. CARD AND CASH, COMBINATION.

5 Q. THAT NIGHT, DO YOU REMEMBER HOW
6 MUCH WAS IN YOUR WALLET?

7 A. I DON'T REMEMBER EXACT BUT I'M
8 PRETTY SURE, MINIMUM OF THOUSAND
9 DOLLARS.

10 Q. YOU HAD A MINIMUM OF \$1,000,
11 RIGHT. AND IT WAS GONE BY THE TIME --

12 A. YES.

13 Q. AND BECAUSE OF THAT, YOU PAID
14 FOR THE DRINKS?

15 A. YES.

16 MR. BASIL: HE WAS GONE BY
17 THE TIME HE HAD HIS ACCIDENT,
18 RIGHT?

19 Q. BY THE TIME YOU HAD YOUR
20 ACCIDENT, CORRECT?

21 A. RIGHT.

22 Q. AND BECAUSE OF THAT, YOU BELIEVE
23 YOU PAID FOR THE DRINKS?

24 A. YES.

25 Q. AND THAT'S THE DRINKS IN ROOM

1 E. SHIN

2 ONE, RIGHT?

3 A. I THINK SO.

4 Q. HOW MANY ROOMS ARE IN THIS
5 KARAOKE BAR?

6 A. I DO NOT KNOW.

7 Q. OKAY. AND IS IT ONLY FOR
8 UPSTAIRS?

9 A. I DO NOT KNOW.

10 Q. SO YOU DON'T KNOW IF IT OCCUPIES
11 MORE THAN ONE FLOOR?

12 A. I DON'T THINK THEY OCCUPY MORE
13 THAN THAT FLOOR.

14 Q. OKAY. AND HOW WOULD YOU
15 DESCRIBE THE LIGHTING WHEN YOU FIRST
16 ENTERED THE KARAOKE BAR?

17 A. PRETTY DARK.

18 Q. OKAY. WERE YOU -- ARE YOU ABLE
19 TO SEE YOUR HANDS IN FRONT OF YOU?

20 A. I DON'T REMEMBER, BUT I THINK
21 SO.

22 Q. OKAY. DID YOU EVER HAVE ANY
23 PROBLEMS SEEING WHERE YOU WERE GOING
24 WHEN YOU WENT TO THE KARAOKE BAR?

25 A. I DON'T REMEMBER.

1 E. SHIN

2 Q. YOU DON'T REMEMBER SEEING WHERE
3 YOU WERE GOING? WHAT ABOUT THE PRIOR
4 TIMES YOU USED THAT FACILITY THAT YOU
5 WENT TO THAT PARTICULAR NIGHT?

6 A. I DON'T THINK ABOUT IT AND I
7 DON'T REMEMBER.

8 Q. IF IT WAS DARK ENOUGH WHERE YOU
9 COULDN'T SEE IN FRONT OF YOU, WOULD
10 THAT BE SOMETHING YOU REMEMBER?

11 A. I DON'T REMEMBER AND I DO NOT
12 KNOW.

13 Q. DID YOU EVER HAVE ANY DIFFICULTY
14 NAVIGATING THE KARAOKE BAR? WHETHER
15 GOING IN ONE ROOM TO ANOTHER, GOING IN
16 THE ELEVATOR, OUT OF THE ELEVATOR, DID
17 YOU EVER HAVE ANY DIFFICULTY, IN ANY OF
18 YOUR VISITS TO THE KARAOKE BAR,
19 NAVIGATING?

20 A. I DON'T THINK I HAD A PROBLEM
21 FOR THAT BUT I DON'T REMEMBER EXACTLY.

22 Q. IN THE PRIOR VISITS TO THE
23 KARAOKE BAR, WOULD YOU GET DRUNK?

24 A. YOU MEAN, FROM THE RESTAURANT?

25 Q. WELL, YOU WERE DRUNK THAT NIGHT;

1 E. SHIN

2 IS THAT RIGHT?

3 A. RIGHT.

4 Q. AND YOU INDICATED THAT YOU HAVE
5 GONE TO THE KARAOKE BAR AT LEAST 10
6 TIMES OVER A COURSE OF FIVE OR
7 SIX YEARS?

8 A. YES.

9 Q. AND IN THE 10 VISITS TO THE
10 KARAOKE BAR, DID YOU GET DRUNK EACH AND
11 EVERY TIME?

12 A. I THINK SO.

13 Q. AND IN THE 10 VISITS THAT YOU
14 WENT TO THE KARAOKE BAR WHERE YOU GOT
15 DRUNK, DID YOU EVER FALL AND GET HURT?

16 A. NO.

17 Q. DID YOU EVER HAVE ANY DIFFICULTY
18 ENTERING AND EXITING THE KARAOKE BAR?

19 A. NO.

20 Q. OKAY. ON AN AVERAGE MONTH,
21 MR. SHIN, BACK IN 2017, ON AN AVERAGE
22 MONTH -- IN AN AVERAGE MONTH, HOW OFTEN
23 WOULD YOU DRINK TO THE POINT YOU BECAME
24 INTOXICATED?

25 A. 2017.

1 E. SHIN

2 Q. ON AN AVERAGE MONTH, BACK IN
3 2017?

4 A. NOT MUCH.

5 Q. WHEN YOU WENT OUT FOR A BUSINESS
6 MEETING AT NIGHT, TO DINNER WITH YOUR
7 FRIENDS, WOULD YOU DRINK TO THE POINT
8 OF GETTING DRUNK?

9 A. OCCASIONALLY BUT I TRY NOT TO
10 DRINK MUCH SINCE 2013.

11 MS. NICOLAOU: I'M SORRY,
12 CAN YOU READ BACK THAT ANSWER?

13 (WHEREUPON, THE RECORD WAS
14 READ BY THE REPORTER.)

15 Q. WHAT HAPPENED IN 2013?

16 A. I LIKE CONCENTRATION WHILE
17 WORKING AND I ALWAYS WORK AT THE OFFICE
18 SO I TRY NOT TO DRINK.

19 MR. BASIL: CAN YOU READ
20 BACK THAT WHOLE ANSWER?

21 (WHEREUPON, THE RECORD WAS
22 READ BY THE REPORTER.)

23 Q. DID YOU EVER REPORT TO YOUR
24 DOCTORS, WHETHER IT'S AT -- THE ONES
25 WHO ARE TREATING YOU FOR THIS INCIDENT,

1 E. SHIN

2 WHETHER IT'S A PHYSICAL THERAPY
3 FACILITY OR EMERGENCY ROOM THAT WHEN
4 YOU DRINK, YOU TEND TO DRINK HEAVILY.

5 DID YOU EVER SAY THAT TO YOUR
6 DOCTORS OR NURSES WHO TREATED YOU?

7 A. I DON'T REMEMBER BUT LIKE YOU
8 JUST MENTIONED, IF I DRINK, I DRINK
9 HEAVILY.

10 Q. OKAY. SO EITHER YOU DRINK OR
11 DON'T DRINK AND IF YOU DRINK, YOU DRINK
12 HEAVILY?

13 A. RIGHT.

14 Q. HOW OFTEN DID YOU DRINK -- WE'LL
15 SAY BACK IN 2017, BEFORE YOUR ACCIDENT?

16 A. ALMOST -- I HAVEN'T DRANK ON
17 THAT YEAR, NOT MUCH.

18 Q. HOW ABOUT 2017, BETWEEN --
19 EXCUSE ME. HOW OFTEN WOULD YOU DRINK?

20 A. MAYBE SIX, SEVEN TIMES.

21 Q. WHERE YOU DRANK TO THE POINT --

22 A. ALL YEAR.

23 Q. YOUR DRINK OF CHOICE IS WHAT?

24 DID YOU HAVE A TYPICAL DRINK?

25 A. SOJU, S-O-J-U, TYPICAL KOREAN

1 E. SHIN

2 BOTTLE OF VODKA. IT'S 25-DEGREE
3 ALCOHOL MIXED WITH THE BEER. THAT'S MY
4 FAVORITE DRINK.

5 Q. 25 PERCENT ALCOHOL OR IS IT
6 DEGREE?

7 A. I DON'T KNOW IF IT'S DEGREE OR
8 PERCENT BUT THEY PUT 25 PERCENT.

9 Q. OKAY. MIXED WITH BEER?

10 A. YES.

11 Q. AND WHAT KIND OF BEER DO YOU
12 USUALLY HAVE?

13 A. COORS LIGHT.

14 Q. IS THAT YOUR BEER OF CHOICE,
15 COORS LIGHT?

16 A. I MEAN, KOREAN CULTURE; MOST
17 PEOPLE USE COORS LIGHT TO MIX.

18 Q. AND YOU MIX THE TWO TOGETHER?

19 A. YES.

20 Q. AND THE NIGHT OF YOUR ACCIDENT
21 YOU HAD CONSUMED SCOTCH, RIGHT? SCOTCH
22 WHISKY?

23 A. YES.

24 Q. IS THAT SOMETHING THAT YOU ALSO
25 -- WHEN YOU GO TO DRINK, YOU DRINK?

1 E. SHIN

2 A. I LIKE SCOTCH, TOO.

3 Q. AND YOU MIXED THAT WITH COORS
4 LIGHT?

5 A. COORS LIGHT OR JUST ON THE ROCKS
6 WITH WATER.

7 Q. DILUTED WITH WATER?

8 A. YES.

9 Q. THE NIGHT YOU WERE IN ROOM ONE
10 WITH MR. LEE AND MR. PARK --

11 A. RIGHT.

12 Q. -- HOW DID YOU DRINK YOUR
13 SCOTCH?

14 A. MIX WITH BEER OR ICE WITH THE
15 WATER.

16 Q. DID YOU EAT ANYTHING WHILE YOU
17 WERE IN ROOM ONE?

18 A. MAYBE FRUIT.

19 MR. BASIL: TAKE A QUICK
20 BREAK.

21 (WHEREUPON, A RECESS WAS
22 TAKEN AT THIS TIME.)

23 Q. DO YOU HAVE ANOTHER RESIDENCE IN
24 THE STATE OF NEW YORK?

25 A. NO.

1 E. SHIN

2 Q. DO YOU GO HOME EVERY NIGHT TO
3 YOUR ADDRESS IN PENNSYLVANIA?

4 A. NO, I HAVE AN APARTMENT IN NEW
5 JERSEY.

6 Q. OKAY. AND WHAT'S THE ADDRESS TO
7 THE APARTMENT IN NEW JERSEY?

8 A. I DON'T KNOW. AT THE TIME OR
9 RIGHT NOW?

10 Q. AT THE TIME.

11 A. AT THE TIME, YEAH, I NEVER
12 REMEMBER THAT ADDRESS.

13 Q. DO YOU STAY THERE DURING THE
14 WEEK?

15 A. YES, IN AND OUT. "IN AND OUT"
16 MEANS, GO TO MY HOME IN AMBLER,
17 PENNSYLVANIA, OR STAY IN NEW JERSEY.

18 Q. AND DO YOU HAVE AN APARTMENT
19 THERE TODAY?

20 A. YES.

21 Q. AND WHAT'S THE ADDRESS OF THAT
22 APARTMENT THERE TODAY?

23 A. I DON'T REMEMBER.

24 MR. BASIL: YOU CAN START
25 WITH THE TOWN, IF YOU KNOW THE

1 E. SHIN

2 TOWN.

3 A. PALISADE PARK ON GRAND AVENUE.

4 Q. WHAT'S THE APARTMENT NUMBER?

5 A. IT'S A TOWN HOUSE.

6 Q. IS THIS OWNED BY THE BANK OR

7 RENTED BY THE BANK?

8 A. RENTED BY ME AND REIMBURSED BY

9 THE BANK.

10 Q. SO YOU EXPENSE IT BACK TO NOAH

11 BANK?

12 A. YES. I REMEMBER, IT'S CALLED

13 2050 FORT LEE -- THE APARTMENT.

14 Q. THAT'S TODAY OR BACK THEN?

15 A. BACK THEN.

16 Q. THAT WAS IN?

17 A. 2017.

18 Q. TODAY IT'S PALISADE PARK, GRAND

19 AVENUE?

20 A. GRAND AVENUE.

21 Q. YOU JUST DON'T KNOW THE ADDRESS?

22 A. YEAH, I DON'T KNOW THE ADDRESS.

23 Q. HOW LONG HAVE YOU BEEN USING

24 THAT LOCATION?

25 A. SINCE LAST YEAR, MAY.

1 E. SHIN

2 Q. AND HOW LONG IS THE LEASE FOR?

3 A. ONE YEAR.

4 Q. WERE YOU PLANNING ON STAYING AT
5 THAT LOCATION OR FINDING A NEW ONE
6 AFTER THE ONE YEAR?

7 A. I LIKE MOVE OUT(SIC).

8 Q. YOU'RE PROBABLY GOING TO MOVE
9 OUT?

10 A. YES.

11 Q. DO YOU DO THAT EVERY YEAR? MOVE
12 OUT, FIND A NEW PLACE?

13 A. NO, I LIKE TO BUY A HOUSE AROUND
14 NEW JERSEY BECAUSE MY TWO DAUGHTERS
15 GONE(SIC). THEY DON'T LIVE WITH ME
16 ANYMORE.

17 Q. SO YOU WANT TO MOVE TO JERSEY?

18 A. YEAH, WITH MY WIFE.

19 MR. BASIL: AND YOUR PUPPY.

20 MS. NICOLAOU: I THINK I'M
21 DONE WITH THE LIABILITY.

22 MS. BERKOWITZ: OKAY. DO
23 YOU WANT TO MARK THE RECEIPT FOR
24 THE ROOM -- THE CHUNG LEE ROOM?

25 DO YOU HAVE THE OTHER

1 E. SHIN

2 RECEIPT? IT WAS NEXT TO MY
3 DISCOVERY RESPONSE. I DON'T KNOW
4 IF HE'S EVER SEEN THEM. WE CAN
5 DO IT FOR MY WITNESS.

6 MS. NICOLAOU: YEAH, LET'S
7 MARK THIS.

8 (WHEREUPON, RECEIPT OF CHUNG
9 LEE'S ROOM WAS MARKED AS
10 DEFENDANT'S EXHIBIT B FOR
11 IDENTIFICATION AS OF THIS DATE.)

12 (WHEREUPON, RECEIPT OF YOUNG
13 LEE'S ROOM WAS MARKED AS
14 DEFENDANT'S EXHIBIT C FOR
15 IDENTIFICATION AS OF THIS DATE.)

16 (WHEREUPON, PHOTOGRAPHS WERE
17 MARKED AS DEFENDANT'S EXHIBIT D-K
18 FOR IDENTIFICATION AS OF THIS
19 DATE.)

20 (WHEREUPON, A LUNCHEON RECESS
21 WAS TAKEN FROM 12:30 P.M. TO 1:33
22 P.M.)

23 Q. GOOD AFTERNOON, MR. SHIN.

24 A. HOW ARE YOU?

25 Q. GOOD LUNCH?

1 E. SHIN

2 A. YES.

3 Q. OKAY. GOOD. I'M GOING TO SHOW
4 YOU WHAT HAS BEEN MARKED AS DEFENDANT'S
5 EXHIBIT B AND C.

6 THERE'S NO QUESTION SO JUST LOOK
7 AT IT AND TELL ME WHEN YOU'RE DONE.

8 A. OKAY.

9 Q. OKAY. DO YOU RECOGNIZE WHAT'S
10 DEPICTED IN DEFENDANT'S EXHIBIT B AND
11 C?

12 A. NO.

13 Q. DO YOU KNOW WHAT THEY ARE?

14 A. IT LOOKS LIKE A RECEIPT,
15 INVOICE.

16 Q. RECEIPTS. OKAY. DO YOU
17 RECOGNIZE THEM TO BE INVOICES OR
18 RECEIPTS FROM THE KARAOKE BAR THAT YOU
19 VISITED ON THE DAY OF YOUR ACCIDENT?

20 A. I DON'T KNOW BUT THIS IS AN
21 INVOICE.

22 Q. HAVE YOU SEEN THESE BEFORE
23 TODAY?

24 A. NO.

25 Q. AND DO YOU RECOGNIZE WHETHER ANY

1 E. SHIN

2 OF THESE INVOICES REFLECT WHAT WAS
3 PURCHASED IN A ROOM OR ROOM TWO, ON THE
4 DATE OF THE ACCIDENT?

5 A. YES.

6 Q. CAN YOU IDENTIFY WHICH INVOICE
7 BELONGS TO WHICH ROOM BY LOOKING AT IT,
8 SIR?

9 A. I THINK, THIS IS ROOM TWO.

10 Q. EXHIBIT B. AND JUST TO BE
11 CLEAR, ROOM TWO IS THE ROOM YOU WENT
12 INTO WITH YOUR FRIEND?

13 A. YES.

14 MS. BERKOWITZ: CHUNG LEE.

15 Q. OKAY. AND EXHIBIT C, DO YOU
16 KNOW WHICH ROOM THAT IS?

17 A. ROOM ONE.

18 MS. BERKOWITZ: YOUNG LEE.

19 Q. YOUNG LEE'S ROOM. AND IT SAYS
20 HERE THAT IT SAYS, "\$15,000 IN CASH."
21 DO YOU SEE THAT?

22 A. YES.

23 Q. AND I KNOW YOU TESTIFIED THAT
24 YOU HAD A MINIMUM OF \$1,000 IN YOUR
25 WALLET?

1 E. SHIN

2 A. RIGHT.

3 Q. DO YOU REMEMBER IF YOU HAD MORE
4 THAN ONE THOUSAND IN YOUR WALLET?

5 A. I DON'T REMEMBER.

6 Q. IS IT POSSIBLE THAT YOU PAID THE
7 FULL BILL FOR \$15,000?

8 A. I DON'T KNOW.

9 Q. YOU DON'T KNOW ONE WAY OR THE
10 OTHER?

11 A. NO.

12 Q. REALLY QUICK, DEFENDANT'S
13 EXHIBIT C, DOES IT REFLECT HOW MUCH
14 ALCOHOL AND FOOD THAT WAS PROVIDED IN
15 ROOM ONE?

16 A. YEAH, THIS IS (POINTING),
17 JOHNNIE WALKER BLUE, TWO BOTTLES.

18 MS. BERKOWITZ: THAT WAS FOR
19 THE YOUNG LEE ROOM.

20 THE WITNESS: YES.

21 A. AND THIS IS A ROOM CHARGE; FRUIT
22 (POINTING), THIS IS ALL FOOD.

23 Q. DOES IT ACCURATELY REFLECT WHAT
24 WAS PROVIDED TO ROOM ONE ON THE DAY OF
25 THE ACCIDENT?

1 E. SHIN

2 A. THE BEER IS NOT INCLUDED HERE.

3 Q. IT'S NOT MENTIONED?

4 A. BEER IS LIKE A SERVICE, NO
5 CHARGE.

6 Q. A SERVICE. SO THEY DON'T
7 NORMALLY CHARGE YOU FOR THE BEER?

8 A. RIGHT.

9 Q. OTHER THAN THE BEER, EVERYTHING
10 ELSE ACCURATELY REFLECTS --

11 A. I DO NOT KNOW.

12 Q. YOU DON'T REMEMBER?

13 A. NO.

14 Q. DO YOU REMEMBER THE TWO BOTTLES
15 OF JOHNNY WALKER BLUE?

16 A. YES.

17 Q. OKAY. THAT IS ACCURATE?

18 A. I DON'T KNOW BECAUSE FIRST TIME
19 I SEE, I DON'T REMEMBER.

20 Q. YOU DON'T REMEMBER HOW MANY
21 JOHNNIE WALKERS WAS SERVED FOR ROOM
22 ONE, RIGHT?

23 A. RIGHT.

24 Q. I'M GOING TO SHOW YOU WHAT'S
25 BEEN MARKED AS DEFENDANT'S EXHIBIT D,

1 E. SHIN

2 E, AND I'LL GIVE YOU -- LET ME SEE WHAT
3 I GAVE YOU.

4 A. (HANDING.)

5 Q. OKAY. J. TAKE A LOOK AT THAT.
6 NO QUESTIONS. JUST LET ME KNOW WHEN
7 YOU'RE DONE.

8 A. WHEN DID YOU TAKE THIS PICTURE?

9 Q. THERE'S NO QUESTION, MR. SHIN.
10 LET ME KNOW WHEN YOU'RE DONE.

11 A. OKAY.

12 Q. DOES EXHIBITS J, E, AND D
13 ACCURATELY CAPTURE THE STAIRCASE THAT
14 EXISTED ON THE DATE OF YOUR ACCIDENT
15 THAT LED UP TO THE KARAOKE BAR?

16 A. THIS CHANGED (POINTING), THERE
17 IS NO THIS(SIC).

18 Q. ARE YOU REFERRING TO EXHIBIT P?

19 A. YES.

20 Q. IS THIS HOW THE STAIRCASE LOOKED
21 ON THE DATE OF YOUR ACCIDENT?

22 A. NO.

23 Q. SO THIS IS DIFFERENT?

24 A. FIXED.

25 Q. AND WHAT ARE YOU REFERRING TO AS

1 E. SHIN

2 IT CHANGED, JUST SO WE'RE CLEAR?

3 A. (POINTING).

4 Q. DON'T POINT. JUST VERBALIZE, AS
5 MUCH AS YOU CAN, SIR.

6 A. THIS IS KIND OF A PLATFORM.
7 THERE WAS NO PLATFORM AT THE TIME.

8 Q. SO YOU'RE SAYING THE LANDING WAS
9 INSTALLED AFTER THE ACCIDENT?

10 A. RIGHT, AND CARPET LOOKS
11 DIFFERENT.

12 Q. THE CARPET DOESN'T LOOK THE
13 SAME?

14 A. RIGHT.

15 Q. OTHER THAN THE LANDING AND THE
16 CARPETING THAT DOESN'T LOOK THE SAME TO
17 YOU, IS THERE ANYTHING ELSE THAT'S
18 DIFFERENT ABOUT THIS STAIRCASE THAT'S
19 SHOWN IN DEFENDANT'S J, E, AND D AS IT
20 EXISTED ON THE DATE OF THE ACCIDENT?

21 A. I DO NOT THINK SO.

22 Q. SO IT WAS JUST THOSE TWO THINGS
23 A LANDING AND CARPET?

24 A. LANDING AND CARPET.

25 Q. EVERYTHING ELSE LOOKS THE SAME?

1 E. SHIN

2 A. I DON'T REMEMBER EXACT. WHEN I
3 SAY "I DON'T REMEMBER," I'M SAYING I
4 DON'T REMEMBER EXACT IF THIS HANDRAIL
5 WAS THERE.

6 Q. I'M SORRY. I DIDN'T UNDERSTAND
7 AND I APOLOGIZE.

8 IS IT, YOU DON'T REMEMBER HOW
9 THE STAIRCASE LOOKED LIKE ON THE DAY OF
10 THE ACCIDENT?

11 A. I DO REMEMBER IT'S VERY STEEP.
12 IT'S NOT LIKE THIS. THAT'S WHAT I
13 REMEMBER.

14 Q. SO IT DIDN'T LOOK LIKE WHAT'S
15 SHOWN IN DEFENDANT'S E, D, AND, J; IS
16 THAT RIGHT?

17 A. YES.

18 Q. DO YOU REMEMBER WHETHER OR NOT
19 THERE WAS A LANDING?

20 A. THERE WAS NO LANDING, THAT'S FOR
21 SURE.

22 Q. DO YOU REMEMBER THE WALLS BEING
23 THE WAY THEY ARE WITH THE PANELLING ON
24 THE SIDE?

25 A. I DON'T REMEMBER.

1 E. SHIN

2 Q. DO YOU REMEMBER A HANDRAIL?

3 A. NO, I DO NOT REMEMBER A HANDRAIL
4 THERE.

5 Q. YOU DON'T REMEMBER, ONE WAY OR
6 ANOTHER, IF THERE WAS A HANDRAIL?

7 A. HANDRAIL, I DON'T REMEMBER.

8 Q. OKAY.

9 MS. NICOLAOU: I KNOW YOU
10 SAID YOU HAD THE PICTURES OF HIM
11 ON THE -- CAN I SEE THAT?

12 MS. BERKOWITZ: YEAH, OF
13 COURSE.

14 A. CARPET IS DIFFERENT.

15 MS. NICOLAOU: CAN WE MARK
16 THIS, PLEASE?

17 (WHEREUPON, PHOTOGRAPH WAS
18 MARKED AS DEFENDANT'S EXHIBIT L FOR
19 IDENTIFICATION AS OF THIS DATE.)

20 Q. MR. SHIN, I'M GOING TO YOU SHOW
21 YOU WHAT'S BEEN MARKED AS DEFENDANT'S
22 EXHIBIT L.

23 THERE'S NO QUESTION, TAKE A LOOK
24 AT IT. LET ME KNOW WHEN YOU'RE DONE.

25 A. OKAY.

1 E. SHIN

2 Q. THAT'S YOU, SIR, RIGHT?

3 A. YES.

4 Q. HAVE YOU SEEN THIS PHOTOGRAPH
5 BEFORE TODAY?

6 A. YES.

7 Q. THAT'S YOU, SIR, WHICH APPEARS
8 TO HAVE AN INJURY TO YOUR FACE AND
9 YOU'RE SITTING UP AGAINST THE WALL?

10 A. YES.

11 Q. AND THAT'S YOUR FRIEND,
12 MR. CHUNG LEE?

13 A. YES.

14 Q. WHO NOW OWNS THE BUILDING,
15 RIGHT?

16 A. YES.

17 Q. I'M GOING TO SHOW YOU, PUT SIDE
18 BY SIDE, DEFENDANT'S EXHIBIT E, DO YOU
19 SEE THAT?

20 A. YES.

21 Q. DO YOU SEE IN THE BACKGROUND --
22 JUST BEFORE YOUR HEAD, SIR, DO YOU SEE
23 THE CARPETING ON THAT ONE?

24 A. YES.

25 Q. DO YOU SEE THE CARPETING ON THAT

1 E. SHIN

2 ONE?

3 A. YES.

4 Q. NOW, WE'RE GOING TO COMPARE IT
5 TO THE CARPETING ON DEFENDANT'S EXHIBIT
6 E, DOES IT LOOK SIMILAR?

7 A. VERY SIMILAR.

8 Q. AND THE WOOD PANELING WAS THERE,
9 TOO, RIGHT?

10 A. RIGHT.

11 Q. SO WE CAN'T REALLY SEE UP THE
12 STAIRCASE IN DEFENDANT'S EXHIBIT L,
13 RIGHT?

14 A. RIGHT.

15 Q. ARE YOU AWARE OF ANY OF THE
16 PHOTOGRAPHS THAT WERE TAKEN ON THE DAY
17 OF THE ACCIDENT?

18 A. NO.

19 Q. ARE YOU AWARE OF WHETHER OR NOT
20 ANY PHOTOGRAPHS OF YOU, OTHER THAN WHAT
21 WAS SHOWN IN DEFENDANT'S EXHIBIT L,
22 THAT WERE TAKEN ON THE DAY OF THE
23 ACCIDENT?

24 A. NO.

25 Q. AND I'M NOT REFERRING TO

1 E. SHIN

2 PHOTOGRAPHS OF YOU ON THE GROUND ,
3 UNCONSCIOUS. I'M REFERRING TO , AT ANY
4 TIME WHILE YOU WERE AT THE KARAOKE BAR ,
5 DO YOU KNOW IF ANYBODY TOOK PHOTOGRAPHS
6 OF YOU ON THE DAY OF THE ACCIDENT?

7 A. NO , I DO NOT.

8 Q. DID YOU TAKE PHOTOGRAPHS WITH
9 YOUR PHONE ON THE DAY OF THE ACCIDENT?

10 A. NO.

11 Q. MR. SHIN , DO YOU KNOW WHO TOOK
12 THIS PHOTOGRAPH -- AND WE'RE REFERRING
13 TO EXHIBIT L?

14 A. JOHN KIM.

15 Q. JOHN KIM IS THE ONE WHO DIDN'T
16 DRINK THAT NIGHT , TO YOUR KNOWLEDGE ; IS
17 THAT RIGHT?

18 A. YES.

19 Q. AND JUST TO BE CLEAR , HAVE YOU
20 EVER GONE BACK TO THIS PROPERTY FOR ANY
21 REASON AFTER YOUR ACCIDENT?

22 A. THE RESTAURANT -- FIRST FLOOR ,
23 YES.

24 Q. THERE'S A RESTAURANT ON THE
25 FIRST FLOOR?

1 E. SHIN

2 A. YES, A COUPLE TIMES.

3 Q. WHAT RESTAURANT IS ON THE FIRST
4 FLOOR?

5 A. PICNIC GARDEN.

6 Q. DO YOU ACCESS THE RESTAURANT BY
7 GOING IN WHERE THE STAIRCASE IS OR IS
8 IT STOREFRONT OR A DOOR FROM THE
9 SIDEWALK?

10 A. STOREFRONT AND THE OWNER -- WHEN
11 I GO THERE, HE CLEARLY MADE SOME
12 RENOVATIONS THERE.

13 Q. SO WHEN YOU ENTER PICNIC GARDEN,
14 DO YOU GO IN FROM THE STREET OR DO YOU
15 HAVE TO GO INSIDE THE BUILDING OF
16 PICNIC GARDEN?

17 A. BEFORE MY ACCIDENT THERE WAS
18 SOME AREA AND AFTER MY ACCIDENT WHEN HE
19 PURCHASED IT -- WHEN I VISIT EIGHT OR
20 NINE MONTHS EARLIER OR ONE YEAR, HE
21 CHANGED THE LOBBY AREA.

22 Q. WHO'S "HE"?

23 A. CHUNG LEE -- MR. LEE, THE OWNER
24 OF THAT BUILDING.

25 Q. YOUR FRIEND?

1 E. SHIN

2 A. AND HE ALSO OWNED PICNIC GARDEN.

3 Q. SO HE'S THE OWNER, JUST TO BE
4 CLEAR, BEFORE THE ACCIDENT, YOU WOULD
5 PHYSICALLY HAVE TO ENTER THE BUILDING
6 TO ENTER THE RESTAURANT OR CAN IT BE
7 ACCESSED FROM THE SIDEWALK?

8 A. BEFORE ACCIDENT, I THINK THEY
9 HAVE AN ENTRANCE FROM THE STREET.

10 Q. OKAY. AND AFTER THE ACCIDENT
11 THAT CHANGED?

12 A. A LITTLE BUT SOMEHOW HE CHANGED
13 IT.

14 Q. SO YOU CAN'T ACCESS IT FROM THE
15 STREET ANYMORE?

16 A. I DO NOT KNOW.

17 Q. WHEN WAS THE LAST TIME YOU ATE
18 AT PICNIC GARDEN?

19 A. ABOUT TWO MONTHS AGO, ONE MONTH
20 AGO.

21 Q. DID YOU MEET YOUR FRIEND MR. LEE
22 FOR LUNCH OR DINNER?

23 A. YES.

24 Q. WHAT'D YOU HAVE, LUNCH OR
25 DINNER?

1 E. SHIN

2 A. DINNER, WITH A BUNCH OF PEOPLE.
3 ABOUT 10 PEOPLE.

4 Q. WAS IT A BUSINESS?

5 A. YES.

6 Q. AND YOU DRANK?

7 A. NO.

8 Q. AND DID YOU TALK ABOUT THIS CASE
9 WITH MR. LEE?

10 A. I TOLD HIM THAT -- IF HE THINK
11 THERE'S ANY VIOLATION, MR. BASIL GIVE
12 RECOMMENDATION AND HE'S AWARE THAT I
13 DON'T LIKE THIS STAIR VIOLATION. HE
14 SAID, "I'LL FIX IT" AND I THINK HE
15 FIXED IT.

16 Q. SO TWO MONTHS AGO, YOU HAD
17 DINNER AT THE PICNIC GARDEN WITH A
18 GROUP OF PEOPLE, INCLUDING MR. LEE?

19 A. RIGHT.

20 Q. AND YOU DISCUSSED WITH MR. LEE
21 TWO MONTHS AGO --

22 A. NO, NOT TWO MONTHS AGO. TWO
23 MONTHS AGO WE DISCUSS ABOUT THE OTHER
24 BUSINESS.

25 Q. OTHER BUSINESS. YOU DIDN'T TALK

1 E. SHIN

2 ABOUT THIS CASE?

3 A. NO.

4 Q. WHEN DID YOU TALK ABOUT THIS
5 CASE WITH MR. LEE?

6 A. WHEN HE CAME TO VISIT ME AFTER
7 ACCIDENT MAY, JUNE TO MY HOME.

8 Q. AND WHAT DID YOU TWO DISCUSS?
9 WHAT WAS THE SUM AND SUBSTANCE OF THE
10 CONVERSATION WITH MR. LEE?

11 A. IF THERE'S ANY VIOLATION OR CODE
12 VIOLATION, YOU GOT TO FIX IT. I DON'T
13 WANT THIS KIND OF THING TO HAPPEN TO
14 ANYBODY.

15 Q. SO YOU TOLD MR. LEE THAT YOU
16 BELIEVED THAT THE STAIRCASE WAS A CODE
17 VIOLATION AND THAT HE HAD TO FIX IT?

18 A. NO, I DIDN'T FORCE HIM. HE SAID
19 HE CHECKED AND I THINK HE FIXED IT.

20 Q. DO YOU KNOW IF HE FIXED IT?

21 A. HE TOLD ME. I DIDN'T TAKE LOOK
22 AT IT BECAUSE, AGAIN, I DON'T WANT TO
23 GO THERE, I DON'T WANT TO SEE IT.

24 Q. OKAY. SO YOU DIDN'T GO THERE TO
25 LOOK AT THE STAIRCASE?

1 E. SHIN

2 A. NO.

3 Q. SO YOU TOLD HIM THAT YOU WERE
4 TOLD BY YOUR ATTORNEY THAT THERE WAS A
5 CODE VIOLATION, RIGHT?

6 A. RIGHT.

7 Q. AND YOU INSTRUCTED HIM THAT HE
8 NEEDED TO FIX IT?

9 A. WE DISCUSS ABOUT VERY DANGEROUS
10 STAIR, WHETHER CODE VIOLATION OR NOT,
11 IT DOESN'T MATTER. I SAID, "IT LOOKS
12 LIKE CODE VIOLATION AND YOU GOT TO FIX
13 IT" AND HE'S AWARE.

14 Q. HOW DID HE PAY FOR THE REPAIR OF
15 THE STAIRCASE OR THE CODE VIOLATION?

16 A. HE FIX IT WITH HIS OWN MONEY.

17 Q. WITH HIS OWN MONEY. IS THAT
18 MONEY THAT HE BORROWED FROM NOAH BANK?

19 A. NO, THESE ARE VERY SUCCESSFUL
20 BUSINESS MAN.

21 Q. WHAT DOES HE DO?

22 A. PICNIC GARDEN.

23 Q. HE OWNS A RESTAURANT?

24 A. YES.

25 Q. HOW MANY RESTAURANTS DOES HE

1 E. SHIN

2 OWN?

3 A. I THINK HE HAS TWO.

4 Q. ONE IS AT THAT LOCATION, WHERE
5 IS THE SECOND ONE?

6 A. EDISON, NEW JERSEY, AND HE
7 PURCHASED ANOTHER BUILDING.

8 Q. WHERE?

9 A. HE PURCHASED ANOTHER BUILDING IN
10 BAYSIDE, NEW YORK, TOO.

11 Q. DID NOAH BANK GIVE HIM THE
12 FINANCE FOR THAT, TOO?

13 A. HE PURCHASED WITH HIS OWN CASH
14 AND WE ARE DOING THE FINANCING RIGHT
15 NOW.

16 Q. AND WHOEVER -- WHEN YOU SAY "WE
17 ARE DOING THE FINANCING," ARE YOU
18 REFERRING TO NOAH BANK?

19 A. YES.

20 Q. HOW LONG HAVE YOU KNOWN MR. LEE?

21 A. SINCE I WAS 11 OR 12.

22 Q. YOU WENT TO SCHOOL TOGETHER,
23 RIGHT?

24 A. YES, MIDDLE SCHOOL.

25 Q. AND IT WAS HERE, IN NEW YORK?

1 E. SHIN

2 A. NO, IT WAS IN SOUTH KOREA.

3 Q. AND YOU KEPT IN TOUCH UP UNTIL
4 THE PRESENT TIME?

5 A. NO, WE MET HERE IN 1996 OR 1997
6 OR 1998.

7 Q. WHEN DID YOU STOP SEEING MR.
8 LEE, UNTIL YOU MET HIM IN 1996, 1998?

9 A. I LEFT KOREA TO COME TO AMERICA
10 IN 1981 SO WE SEPARATED -- NO, 1988,
11 I'M SORRY. I THINK HE WENT TO AMERICA
12 AROUND 1984, 1985, AND AT THE TIME WE
13 DON'T HAVE ANY INFORMATION SO THERE WAS
14 NO WAY TO FIND EACH OTHER BUT WE FOUND
15 EACH OTHER, SINCE 1997 OR 1998 OR
16 SOMETHING.

17 Q. AND YOU'VE BEEN FRIENDS EVER
18 SINCE?

19 A. YES, BUT WE DON'T MEET OFTEN
20 BECAUSE HE'S DOING HIS BUSINESS, I'M
21 DOING MY BUSINESS.

22 Q. OTHER THAN THE FINANCING FOR
23 THIS BUILDING BY NOAH BANK AND YOU'RE
24 WORKING OUT FINANCING FOR THE SECOND
25 ONE AS YOU SPEAK, RIGHT; IS THAT RIGHT?

1 E. SHIN

2 A. RIGHT.

3 Q. ANY OTHER BUSINESS CONNECTIONS
4 THAT YOU HAVE WITH MR. LEE, THAT YOU
5 KNOW OF?

6 A. HE'S USING MY BANK, BUSINESS
7 CHECKING ACCOUNT, AND ALSO HE HAS THE
8 EDISON RESTAURANT THAT, I THINK MY LOAN
9 OFFICE GAVE HIM THE LOAN FOR THERE,
10 TOO.

11 Q. THIS IS ALSO CALLED PICNIC
12 GARDEN?

13 A. I THINK SO.

14 Q. THE ONE IN EDISON?

15 A. YEAH. HE ALSO INVESTED THE
16 MONEY TO THE BANK ALSO. HE'S A
17 SHAREHOLDER, TOO.

18 Q. HE'S A SHAREHOLDER OF THE BANK?

19 A. YES.

20 Q. HOW MANY SHARES DOES HE HAVE?

21 A. CAN I ASK HIM A QUESTION?

22 Q. NO, THERE'S AN OPEN QUESTION,
23 YOU CANNOT --

24 MR. BASIL: IF IT'S FOR
25 PRIVILEGE OR FOR CONFIDENTIAL

1 E. SHIN

2 INFORMATION, HE CAN.

3 A. BECAUSE IT'S A CPA ISSUE.

4 Q. SO YOU CAN'T DISCLOSE HOW MANY
5 SHARES --

6 A. NO, I CAN. IF MY ATTORNEY
7 ALLOWS ME.

8 MS. NICOLAOU: IT'S PUBLIC
9 INFORMATION.

10 MR. BASIL: NO, IT'S NOT A
11 PUBLIC TRADE COMPANY. THAT'S WHY
12 I HAVE TO FIND OUT AND I ACTUALLY
13 HAVE TO CONFIRM WITH JERRY KIM IN
14 THE OFFICE. I DON'T KNOW IF I
15 HAVE AN ANSWER TO KNOW WHETHER
16 THIS IS CONFIDENTIAL OR NOT.

17 MS. NICOLAOU: OVER MY
18 OBJECTION; YOU GUYS COULD
19 CONFIRM.

20 (WHEREUPON, A DISCUSSION WAS
21 HELD OFF THE RECORD.)

22 MR. BASIL: OKAY. MR. SHIN
23 CAN TESTIFY AS TO HOW MANY SHARES
24 MR. LEE OWNS?

25 MS. NICOLAOU: THANK YOU.

1 E. SHIN

2 A. ROUGHLY 100,000 SHARES.

3 MR. LEVINSON: YOU SAID

4 "100,000"?

5 THE WITNESS: YES.

6 Q. WOULD HE BE CONSIDERED A MAJOR
7 SHAREHOLDER OF THE BANK?

8 A. NO.

9 Q. NOW, WHEN MR. LEE CAME TO YOUR
10 HOUSE IN PENNSYLVANIA TO SEE HOW YOU
11 WERE DOING AFTER YOUR ACCIDENT AND YOU
12 DISCUSSED THE STAIRCASE, DID YOU, AT
13 ANYTIME, COMMUNICATE TO YOUR ATTORNEY
14 THAT YOU ASKED MR. LEE TO CHANGE THE
15 STAIRCASE OR FIX IT?

16 MR. BASIL: SORRY, DID HE
17 COMMUNICATE TO ME?

18 MS. NICOLAOU: YES.

19 MR. BASIL: WELL, OBJECT;
20 DON'T ANSWER.

21 MS. NICOLAOU: OKAY. I'LL
22 RE-PHRASE IT.

23 Q. AT THE TIME THAT MR. LEE CAME TO
24 YOUR HOME TO ASK YOU AND TO SEE HOW
25 YOU'RE DOING AND YOU MENTIONED TO HIM

1 E. SHIN

2 TO CHANGE THE STAIRCASE, HAD YOU AT
3 THAT POINT CONSULTED WITH AN ATTORNEY
4 ABOUT SUING?

5 MR. BASIL: YOU CAN ANSWER.

6 A. NO.

7 Q. WERE YOU THINKING ABOUT SUING?

8 A. NO.

9 Q. WHEN WAS IT THAT YOU ASKED MR.
10 LEE TO FIX THE STAIRCASE? I KNOW YOU
11 SAID YOU WERE RECOVERING AT HOME, WHEN?

12 A. JUNE, JULY.

13 Q. JULY -- JUNE, JULY OF 2017?

14 A. RIGHT.

15 Q. AND WHEN DID YOU RETAIN COUNSEL
16 FOR THIS CASE?

17 A. I DON'T REMEMBER.

18 Q. WAS IT ALSO IN THE SUMMER?

19 A. I DON'T REMEMBER.

20 Q. THIS ACTION WAS FILED IN 2017?

21 A. OKAY.

22 Q. OKAY. DID YOU RETAIN COUNSEL IN
23 2017?

24 A. I THINK SO.

25 Q. AND DO YOU RECALL WHILE YOU

1 E. SHIN

2 RETAIN -- WITHDRAW THAT.

3 MS. NICOLAOU: DO YOU KNOW
4 THE MONTH, DATE THAT THIS ACTION
5 WAS FILED, BOB?

6 MR. BASIL: I DON'T. NOT
7 OFF THE TOP OF MY HEAD.

8 MS. NICOLAOU: OFF THE
9 RECORD.

10 (WHEREUPON, A DISCUSSION WAS
11 HELD OFF THE RECORD.)

12 Q. MR. SHIN, WE'VE LOOKED AT THE
13 COURT DOCUMENTS AND ACCORDING TO THE
14 COURT DOCUMENTS, THE FIRST LAWSUIT
15 WHICH IS THE ONE WE'RE HERE FOR TODAY,
16 WAS FILED ON SEPTEMBER 1ST, 2017.
17 THAT'S THE EARLIEST ONE. THERE'S A
18 SECOND ONE FILED IN OCTOBER THAT WAS
19 DISCONTINUED AND THIS ONE IN THE
20 FEDERAL COURTHOUSE IS THE ONE THAT'S
21 MOVING FORWARD. KNOWING THAT THE FIRST
22 ACTION WAS FILED ON SEPTEMBER 1ST,
23 2017, CAN YOU TELL ME WHEN YOU STARTED
24 LOOKING AND WHEN YOU STARTED
25 CONSIDERING SUING THE DEFENDANTS IN

1 E. SHIN

2 THIS ACTION?

3 A. I DON'T REMEMBER AN EXACT DATE.
4 PROBABLY, SAME TIME, MAYBE JULY,
5 AUGUST.

6 Q. SO IN JULY, AUGUST OF 2017, YOU
7 STARTED LOOKING INTO WHETHER OR NOT YOU
8 SHOULD SUE?

9 A. RIGHT, RIGHT.

10 Q. IS THAT RIGHT?

11 A. RIGHT.

12 Q. AND AT THE SAME TIME YOU HAD A
13 CONVERSATION WITH MR. LEE THAT THE
14 STAIRCASE WASN'T SAFE?

15 A. I DON'T REMEMBER.

16 Q. HOW DID YOU KNOW THE STAIRCASE
17 WASN'T UP TO CODE?

18 A. IT LOOKS LIKE A PRETTY BIG
19 PROBLEM THERE.

20 Q. EARLIER YOU TESTIFIED THAT YOUR
21 ATTORNEY HAD TOLD YOU THAT THIS
22 STAIRCASE WASN'T UP TO CODE?

23 A. RIGHT, I DON'T THINK.

24 Q. LET ME FINISH MY QUESTION,
25 MR. SHIN.

1 E. SHIN

2 EARLIER YOU TESTIFIED THAT YOUR
3 ATTORNEY TOLD YOU THAT YOUR STAIRCASE
4 WASN'T UP TO CODE?

5 A. RIGHT.

6 Q. AND BECAUSE OF THAT YOU
7 COMMUNICATED THAT TO MR. LEE --

8 A. I DID, BUT I DON'T KNOW WHEN --

9 Q. MR. SHIN, PLEASE LET ME FINISH.
10 I DIDN'T ASK THE QUESTION.

11 A. OKAY.

12 Q. BASED ON WHAT YOU TESTIFIED
13 EARLIER, THAT THE STAIRCASE WASN'T UP
14 TO CODE AND YOU COMMUNICATED THAT
15 INFORMATION TO MR. LEE, IS IT FAIR TO
16 SAY THAT WHEN YOU LEARNED THAT THE
17 STAIRCASE WASN'T UP TO CODE, WERE YOU
18 CONSIDERING SUING AND YOU WERE
19 CONSULTING COUNSEL?

20 A. I DON'T KNOW ABOUT THAT.

21 Q. SITTING HERE TODAY, IS THE ONLY
22 REASON YOU BELIEVE THE STAIRCASE WAS,
23 IN YOUR OPINION "FIXED," WAS BECAUSE
24 MR. LEE TOLD YOU?

25 A. YES.

1 E. SHIN

2 Q. YOU NEVER SAW IT?

3 A. I NEVER SAW IT.

4 Q. OKAY.

5 A. THE PICTURE LOOKS FIXED.

6 Q. I UNDERSTAND. YOU BELIEVE THE
7 LANDING DIDN'T EXIST AT THE TIME OF
8 YOUR ACCIDENT?

9 A. RIGHT.

10 Q. AND THAT'S BASED ON YOUR
11 RECOLLECTION OR YOU DON'T KNOW ONE WAY
12 OR ANOTHER?

13 A. JUST MY RECOLLECTION.

14 Q. SO YOUR RECOLLECTION IS THAT THE
15 STAIRCASE THAT YOU NEVER TOOK BEFORE
16 THE DAY OF YOUR ACCIDENT, NEVER HAD A
17 LANDING.

18 A. NEVER HAD A PLATFORM.

19 Q. NEVER HAD A PLATFORM OR A
20 LANDING BEFORE YOU REACHED THE BOTTOM
21 STEP?

22 A. YES.

23 Q. AND IS IT ALSO RIGHT THAT YOU
24 TOOK THE ELEVATOR EACH AND EVERY TIME?

25 A. YES.

1 E. SHIN

2 Q. NEVER TOOK THE STAIRCASE?

3 A. I DON'T THINK SO.

4 MS. NICOLAOU: DO YOU HAVE
5 QUESTIONS? I'M JUST GOING
6 THROUGH MY NOTES.

7 MR. LEVINSON: JUST A FEW.
8 EXAMINATION

9 BY MR. LEVINSON:

10 Q. GOOD AFTERNOON, MR. SHIN. MY
11 NAME IS MARK LEVINSON. I'M OF COUNSEL
12 TO LONGO AND D'APICE, THE ATTORNEYS FOR
13 YOUNG K. LEE. I JUST HAVE A COUPLE OF
14 FOLLOW-UP QUESTIONS.

15 NOW, WHEN YOU WENT INTO THE ROOM
16 WHERE MR. YOUNG LEE WAS, WHICH WAS WHAT
17 WE'RE CALLING "ROOM ONE," DID YOU SPEAK
18 WITH HIM WHEN YOU WENT INTO THAT ROOM?

19 A. YES.

20 Q. WHAT WAS THE SUM AND SUBSTANCE
21 OF YOUR CONVERSATION?

22 A. I REMEMBER CONVERSATION -- WE
23 EXCHANGED EACH OTHER'S NAME AND I
24 PROBABLY GAVE HIM MY BUSINESS CARD AND
25 WE TALK ABOUT FOLKS THAT HE MAY KNOW

1 E. SHIN

2 AND I REMEMBER THAT WE HAD A GOOD
3 CONVERSATION AND TALKING WITH HIM AT
4 THE BEGINNING. AFTER DRINKING OVER AND
5 OVER AND OVER, I DON'T REMEMBER WHAT
6 DISCUSSION I HAD.

7 Q. PERSONAL OR JUST PLEASURE
8 ORIENTED? WAS THERE ANY DISCUSSION OF
9 POTENTIAL BUSINESS THAT THE TWO OF YOU
10 MIGHT DO TOGETHER?

11 A. NO BUSINESS THAT I REMEMBER BUT
12 IT WAS A VERY FRIENDLY AND WARM
13 GREETING TO EACH OTHER BECAUSE OF
14 DANIEL PARK. WE WERE INTRODUCED BY
15 DANIEL PARK.

16 Q. SO MR. LEE KNEW DANIEL PARK?

17 A. I THINK SO.

18 Q. DO YOU KNOW WHAT THEIR
19 RELATIONSHIP WAS?

20 A. I DON'T KNOW BUT PROBABLY
21 CLIENTELE, MAYBE GOLF BUDDIES, I'M NOT
22 SURE.

23 Q. DID MR. LEE TELL YOU WHAT TYPE
24 OF BUSINESS HE WAS IN?

25 A. HE MAY BUT I DO NOT REMEMBER AND

1 E. SHIN

2 I FOUND OUT LATER, SOMEBODY TOLD ME
3 WHAT HE DO(SIC).

4 Q. OKAY. WHAT DID HE TELL YOU?

5 A. DELI.

6 Q. HE HAS A DELI?

7 A. AN ATM BUSINESS. I DON'T
8 REMEMBER AT THE TIME.

9 Q. OKAY. AT THE TIME YOU DIDN'T
10 KNOW BUT THEN YOU FOUND OUT HE'S A DELI
11 OWNER?

12 A. HE MAY HAVE TOLD ME BUT I DON'T
13 REMEMBER.

14 Q. OTHER THAN EXCHANGING
15 PLEASANTRIES, DO YOU KNOW ANYTHING ELSE
16 ABOUT YOUR CONVERSATION WITH MR. LEE?

17 A. I DO NOT. I WANT TO KNOW WHY HE
18 NEARLY KILLED ME, I WANT TO KNOW.

19 MR. LEVINSON: MOVE TO
20 STRIKE THE PORTION THAT'S NOT
21 RESPONSIVE.

22 Q. WHAT TIME WAS IT THAT YOU WENT
23 INTO THIS ROOM WITH MR. LEE, WHICH WAS
24 ROOM ONE?

25 A. BEFORE 11, MAYBE RIGHT AFTER,

1 E. SHIN

2 10:00, 10:30.

3 Q. AT WHAT TIME WAS IT THAT YOU
4 RECALL HAVING THIS CONVERSATION WITH
5 MR. LEE? WAS IT AT 10:30 OR SOME OTHER
6 TIME?

7 A. AROUND 10:30, 11, BEFORE 11.

8 Q. FOR WHAT LENGTH OF TIME DO YOU
9 REMEMBER SPEAKING WITH HIM? WAS IT 10
10 MINUTES? 15 MINUTES? SOMETHING ELSE?

11 A. PROBABLY 15 MINUTES. WE DRANK A
12 LOT.

13 Q. SO AFTER THOSE 15 MINUTES, YOU
14 DON'T REMEMBER ANYTHING ELSE ABOUT ANY
15 CONVERSATIONS WITH HIM, FROM THAT TIME
16 UNTIL THE TIME YOU LEFT THE ROOM?

17 A. I DON'T REMEMBER ANY
18 CONVERSATION AFTER THOSE TIMES, I DON'T
19 REMEMBER.

20 Q. DO YOU REMEMBER ANYTHING AT ALL,
21 FROM THAT TIME -- FROM THE 15 MINUTES
22 AFTER YOU STOPPED REMEMBERING THAT
23 CONVERSATION UNTIL THE TIME YOU LEFT
24 THE ROOM, DO YOU REMEMBER ANYTHING, AT
25 ALL, ABOUT THE TIME YOU LEFT THE ROOM?

1 E. SHIN

2 A. I DON'T REMEMBER BECAUSE
3 PROBABLY AFTER 11, I DON'T REMEMBER ANY
4 CONVERSATION, MAYBE 11, 11:30.

5 Q. OKAY. SO WHAT WAS THE NEXT
6 THING YOU DO REMEMBER WHEN YOU WERE IN
7 THAT ROOM AFTER THE CONVERSATION?

8 A. I DON'T REMEMBER.

9 Q. NOTHING, YOU REMEMBER NOTHING?

10 A. YEAH, RIGHT NOW I WAKE UP ON
11 SUNDAY AND SAY "WHY AM I HERE?" I WAKE
12 UP ON SUNDAY IN THE HOSPITAL.

13 Q. OKAY. YOU DON'T REMEMBER
14 ANYTHING FROM THE TIME THAT YOU
15 FINISHED THE CONVERSATIONS TO THE POINT
16 OF WHICH YOU STOPPED REMEMBERING ANY
17 CONVERSATION WITH MR. LEE, WHICH WOULD
18 BE APPROXIMATELY 10:45 UNTIL YOU WOKE
19 UP IN THE HOSPITAL?

20 A. YES.

21 MR. LEVINSON: ALL RIGHT. I
22 HAVE NOTHING ELSE.

23 EXAMINATION

24 BY MS. BERKOWITZ:

25 Q. WHEN YOU WERE IN THE ROOM WITH

1 E. SHIN

2 YOUNG LEE, DO YOU RECALL SEEING THE
3 SERVER COME IN?

4 A. YEAH, I THINK SO.

5 Q. DO YOU HAVE A SPECIFIC
6 RECOLLECTION OF THAT?

7 A. CAUSE I THINK I ORDERED MORE
8 ALCOHOL.

9 Q. WHAT DID YOU ORDER?

10 A. I DON'T REMEMBER, BUT I KNOW --
11 I REMEMBER I ORDERED SOME MORE.

12 Q. WHAT DID YOU ORDER?

13 A. MAYBE ADDITIONAL SCOTCH WHISKY
14 AND SOME BEER. I REMEMBER SAYING,
15 "NICE MEETING YOU AND I WANT TO TREAT
16 YOU."

17 Q. YOU SAID YOU WANTED TO TREAT
18 HIM?

19 A. YEAH.

20 Q. WHAT DO YOU MEAN BY THAT?

21 A. THAT I BUY MORE ALCOHOL FOR YOU
22 TODAY(SIC).

23 Q. OKAY. DO YOU REMEMBER THE
24 WAITER COMING IN AND BRINGING THE
25 BOTTLE OF JOHNNIE WALKER BLUE?

1 E. SHIN

2 A. I DON'T REMEMBER.

3 Q. DO YOU REMEMBER THE WAITER EVER
4 SERVING YOUNG LEE ANY ALCOHOL?

5 A. I DON'T REMEMBER BUT HE MAY.

6 Q. I DON'T WANT YOU TO GUESS. JUST
7 WHAT YOU REMEMBER.

8 A. OKAY. I DON'T REMEMBER.

9 Q. AFTER THIS WHOLE ACCIDENT AND UP
10 UNTIL TODAY, DID ANYONE EVER TELL YOU
11 THAT YOUNG LEE WENT TO THE KARAOKE BAR,
12 PRIOR TO THAT NIGHT? LIKE, HE WAS A
13 REGULAR THERE OR ANYTHING LIKE THAT?

14 A. NO.

15 Q. NOBODY EVER TOLD YOU THAT?

16 A. NO.

17 Q. DID ANYONE TELL YOU THAT YOUNG
18 LEE HAD A REPUTATION OF BEING A DRUNK?

19 A. NO.

20 Q. WERE YOU A MEMBER OF THE KARAOKE
21 BAR?

22 A. NO.

23 Q. CHUNG LEE WAS THE MEMBER AND YOU
24 WERE THE GUEST?

25 A. IT'S NOT A PRIVATE CLUB.

1 E. SHIN

2 Q. SO YOU DON'T HAVE TO BE A
3 MEMBER?

4 A. ANYBODY CAN GO, I BELIEVE. I
5 BELIEVE. OKAY.

6 Q. ARE YOU AWARE OF ANYBODY ELSE,
7 OTHER THAN YOURSELF, HAVING A SIMILAR
8 INCIDENT TO WHAT HAPPENED TO YOU THAT
9 NIGHT?

10 A. NO, I DO NOT KNOW.

11 Q. OKAY.

12 MS. BERKOWITZ: I THINK
13 WE'RE GOOD WITH LIABILITY.

14 Q. SO IN RESPONSE TO COUNSEL'S
15 QUESTION, YOU SAID THE NEXT THING YOU
16 RECALL WAS WAKING UP ON SUNDAY?

17 A. YES.

18 Q. AND WHERE WERE YOU WHEN YOU WOKE
19 UP?

20 A. FLUSHING HOSPITAL -- FLUSHING
21 PRESBYTERIAN HOSPITAL.

22 Q. DO YOU KNOW HOW YOU GOT THERE?

23 A. I DO NOT KNOW.

24 Q. DID ANYONE EVER TELL YOU THAT
25 THEY WENT WITH YOU IN AN AMBULANCE TO

1 E. SHIN

2 THE HOSPITAL?

3 A. NO, I DO NOT KNOW.

4 Q. WHEN YOU WOKE UP, WHAT DO YOU
5 RECALL?

6 A. A RED CUP, SOMETHING ON MY
7 THROAT, AND I WANT TO TAKE A WAY AND
8 THE DOCTOR CAME TO ME SAYING, "WHAT ARE
9 YOU DOING?" AND THEN I REALIZED THAT
10 MY WIFE WAS THERE AND MY WIFE SAID,
11 "YOU DON'T REMEMBER," AND I SAID "NO, I
12 DON'T REMEMBER. WHAT HAPPENED?
13 ACCIDENT?" SHE SAID "ACCIDENT."

14 Q. AND DID YOU TALK TO ANY DOCTORS
15 ABOUT ANYTHING THAT HAPPENED?

16 A. YES.

17 Q. WHAT DID THEY TELL YOU?

18 A. THAT I HAVE SERIOUS INJURY(SIC).

19 Q. TO WHAT PART OF YOUR BODY?

20 A. HEAD INJURY AND ARM BROKE

21 (INDICATING).

22 Q. YOU'RE GOING LIKE THAT

23 (INDICATING) WITH YOUR HAND. SAY IT IN
24 WORDS.

25 A. THEY HAD SOMETHING (INDICATING).

1 E. SHIN

2 MS. NICOLAOU: SPLINT?

3 THE WITNESS: SPLINT.

4 Q. ON WHAT PART OF YOUR BODY? SAY
5 IT OUT LOUD.

6 A. MY LEFT ARM AND I HAD SOME
7 OXYGEN ONTO MY THROAT(SIC).

8 MS. NICOLAOU: INTUBATED.

9 Q. INTUBATED AND WHAT ELSE?

10 A. SEVERAL DOCTORS CAME AND THEY
11 EXPLAINED TO ME WHAT THEY ARE DOING AND
12 THINGS.

13 Q. AND WHAT DID THEY EXPLAIN TO YOU
14 ABOUT YOUR LEFT ARM? DID YOU HAVE
15 SURGERY?

16 A. YEAH, "YOU NEED SURGERY FOR THAT
17 BUT THAT'S LATER."

18 Q. DID YOU EVER HAVE THAT SURGERY?

19 A. YES.

20 Q. WHERE WAS THAT SURGERY?

21 A. TEMPLE UNIVERSITY.

22 Q. WHAT DATE WAS THAT?

23 A. MAY -- I THINK MIDDLE OF MAY.

24 Q. AND WHAT SURGERY DID THEY DO?

25 A. THEY ASSEMBLE SOMETHING AND THEY

1 E. SHIN

2 PUT EIGHT -- INSIDE THEY PUT --

3 MR. BASIL: PINS OR METAL?

4 A. TO INSERT THIS (INDICATING).

5 Q. SO YOU'RE INDICATING YOUR LEFT
6 WRIST?

7 A. YEAH. AND I HAD AN OPERATION ON
8 MY FACE (INDICATING)?

9 Q. YOU'RE POINTING TO THE LEFT SIDE
10 OF YOUR FACE?

11 A. YEAH, TO THE LEFT SIDE OF MY
12 FACE.

13 Q. WAS THAT AT THE SAME TIME IN MAY
14 OF 2017?

15 A. NO, IT WAS APRIL 26TH OR 27TH.

16 Q. SO THE SURGERY TO YOUR FACE WAS
17 FIRST?

18 A. YEAH -- NO, I HAD TO CURE MY
19 HEAD INJURY FIRST AND THEN FACE
20 OPERATION AND THEN MY ARMS OPERATION.

21 Q. AND WHAT DID THEY DO FOR YOUR
22 HEAD -- WHAT DID THEY DO FOR YOUR HEAD
23 INJURY? WAS THAT AT FLUSHING OR
24 TEMPLE?

25 A. FLUSHING, THEY DID SOME INITIAL

1 E. SHIN

2 -- AND TEMPLE, THEY DID SOMETHING.

3 Q. WHAT DID THEY DO AT FLUSHING FOR
4 YOUR HEAD?

5 A. I DON'T KNOW.

6 Q. AND WHAT DID THEY DO AT TEMPLE
7 FOR YOUR HEAD?

8 A. I DON'T KNOW THE EXACT MEDICAL
9 TERM BUT WHEN I WAKE UP AGAIN ON
10 TUESDAY OR WEDNESDAY MORNING I WAS IN
11 THE INTENSIVE CARE UNIT WAITING FOR THE
12 SURGERY.

13 Q. HOW LONG WERE YOU IN FLUSHING
14 FOR?

15 A. FRIDAY NIGHT, SATURDAY, SUNDAY,
16 AND MONDAY; OUT, AND WENT TO TEMPLE ON
17 TUESDAY MORNING.

18 Q. OKAY. SO YOU WENT RIGHT FROM
19 FLUSHING TO TEMPLE?

20 A. YES.

21 Q. ALL RIGHT. NOW, WHEN YOU GOT TO
22 TEMPLE, WHAT'S THE FIRST SURGERY THAT
23 THEY DID THAT WAS FOR YOUR HEAD?

24 A. I WAS IN THE EMERGENCY ROOM AND
25 I DON'T THINK I GOT OPERATION, LUCKILY,

1 E. SHIN

2 BUT I WAS IN INTENSIVE CARE FOR MY
3 BRAIN PRESSURE OR SOMETHING BECAUSE I
4 HAD A SERIOUS INJURY TO MY SKULL HERE
5 (INDICATING).

6 Q. OKAY. INDICATING THE LEFT SIDE
7 OF YOUR HEAD?

8 A. AND SERIOUS INJURY TO MY LEFT
9 FACE (INDICATING), AND THEY PUT METAL
10 HERE ALSO, ALL THE WAY UP TO HERE
11 (INDICATING).

12 Q. DID THEY EXPLAIN TO YOU WHAT
13 THEY DID FOR YOUR HEAD FIRST AT TEMPLE?

14 A. YES, THEY HAVE A CAT SCAN AND
15 THEY PUT THE MEDICINE AND IF THE BLOOD
16 DOESN'T STOP THEN THEY'RE GOING TO HAVE
17 SOME BIG OPERATION.

18 Q. DID THE BLEEDING STOP IN YOUR
19 HEAD?

20 A. BLEEDING STOPPED ON WEDNESDAY
21 MORNING. ON THAT MORNING I WENT TO --
22 STRAIGHT FOR THE (POINTING).

23 Q. THE FACE?

24 A. THE FACE SURGERY.

25 Q. WHAT DID THEY DO FOR YOUR FACE,

1 E. SHIN

2 THEY PUT METAL IN?

3 A. METAL IN, I HAVE A SCAR HERE

4 (INDICATING), I HAVE A SCAR HERE

5 (INDICATING).

6 Q. THE SCAR ON THE LEFT SIDE OF

7 YOUR FACE OR THE CHEEK AREA --

8 A. THE MOUTH. IT'S CALLED

9 CHEEKBONE OR SOMETHING.

10 Q. CHEEKBONE?

11 A. BROKEN.

12 Q. AND THEN YOU SAID THEY WORKED ON

13 YOUR LEFT WRIST?

14 A. AND AT THE TIME THE DOCTOR CAME

15 AND HE TAKE OUT THE CAST THAT FLUSHING

16 DID AND HE GAVE ME A NEW CAST AND SAID,

17 "THIS IS NOT LIFE THREATENING ON HERE."

18 Q. ON YOUR LEFT WRIST?

19 A. RIGHT. AND AFTER THE THING(SIC)

20 AND GET THROUGH THE REHAB CENTER, I

21 WENT TO SEE HIM AND HE SAID, "YOU NEED

22 OPERATION SOON, IT'S BETTER."

23 Q. SO HOW LONG WERE YOU AT TEMPLE

24 FOR, FOR YOUR HEAD AND YOUR FACE?

25 A. I WAS ADMITTED ON TUESDAY AND

1 E. SHIN

2 DISCHARGED ON SATURDAY TO THE REHAB
3 CENTER.

4 Q. SO YOU WENT FROM TEMPLE TO THE
5 REHAB CENTER?

6 A. YES.

7 Q. WHAT REHAB CENTER?

8 A. EINSTEIN.

9 Q. HOW LONG WERE YOU AT THE REHAB
10 CENTER FOR?

11 A. I THINK, NINE DAYS.

12 Q. AND WHAT DID THEY DO FOR YOU?

13 A. I RECEIVE PHYSICAL THERAPY
14 THERE.

15 Q. FOR WHAT PARTS OF YOUR BODY?

16 A. EVERYTHING, BECAUSE I DON'T DO
17 ANYTHING.

18 Q. LIKE, FOR INSTANCE -- GIVE ME AN
19 EXAMPLE.

20 A. SPEECH THERAPY; THEY WANT TO
21 CHECK MY HEAD INJURY BECAUSE I HAD
22 BLEEDING OUT A LOT(SIC).

23 Q. I THOUGHT YOU SAID THAT THE
24 BLEEDING STOPPED?

25 A. THE BLEEDING STOPPED BUT SHOWING

1 E. SHIN

2 A LOT SO THEY CHECK MY STATUS AND I
3 MADE -- THE DOCTOR THERE WAS WORRIED
4 ABOUT ME BECAUSE I COULDN'T FOLLOW-UP
5 WHAT THEY DID FOR THE NUMBERS. LIKE,
6 GET PAST THEIR TESTS.

7 Q. THEY GAVE YOU SOME TESTS WITH
8 NUMBERS?

9 A. YES, AND PHYSICAL THERAPY.

10 Q. FOR WHAT PART OF YOUR BODY?
11 WHAT WAS THE PHYSICAL THERAPY FOR?
12 WHAT WERE THEY DOING TO YOU?

13 A. TESTED, BECAUSE I COULDN'T MOVE
14 MY SHOULDER AND THINGS AND HERE
15 (INDICATING), MY HEAD, THEY PUT
16 SOMETHING. I HAVE STITCHES.

17 THEY DID ALL KIND OF TESTS AND I
18 COULDN'T EVEN STAND AT THE TIME SO
19 PHYSICAL THERAPY WAS TO HELP ME STAND.

20 Q. OKAY.

21 A. AND I DIDN'T TAKE A SHOWER OR
22 ANYTHING, AND STOOL WAS A PROBLEM SO
23 THE DOCTOR SEEN ME AND THEY GAVE ME
24 OCCUPATIONAL THERAPY.

25 Q. AND WHAT WAS THAT FOR? WHAT DID

1 E. SHIN

2 THEY DO?

3 A. THEY TEACH ME HOW TO SHOWER AND
4 HOW TO EAT AND THOSE KINDS OF THINGS.

5 Q. SO YOU WERE AT THE REHAB FOR
6 NINE DAYS?

7 A. NINE DAYS. THEY SAID YOU
8 NEED -- THEY DIDN'T WANT ME TO
9 DISCHARGE(SIC) BUT I BASICALLY BEGGED
10 THEM TO DISCHARGE ME. AND THE DOCTOR
11 ALLOWED ME TO GO TO HOME AND I CAN GO
12 TO DOCTOR'S OFFICE AND PHYSICAL THERAPY
13 CENTER.

14 Q. AFTER YOU LEFT THE REHAB AFTER
15 NINE DAYS, YOU WENT BACK HOME?

16 A. BACK HOME.

17 Q. OKAY. AND THEN, DID YOU GO BACK
18 TO TEMPLE FOR THE LEFT WRIST SURGERY?

19 A. YES, BECAUSE DOCTOR GAVE ME AN
20 ORDER THAT I MUST SEE HIM AND ALSO I
21 SAW DOCTOR FOR --

22 Q. LET'S START WITH YOUR LEFT WRIST
23 FIRST.

24 A. OKAY.

25 Q. SO YOU WENT BACK TO TEMPLE IN

1 E. SHIN

2 MAY FOR THE WRIST SURGERY?

3 A. WRIST SURGERY. AND ALSO I WENT
4 TO DR. --

5 Q. I JUST WANT TO KNOW ABOUT THE
6 WRIST RIGHT NOW.

7 A. I MET THE DOCTOR, HE TOLD ME,
8 "YOU NEED SURGERY."

9 Q. OKAY. WHAT SURGERY DID HE DO?

10 A. HE OPEN UP AND DO THAT
11 (INDICATING), AND PUT THE CAST ON
12 (INDICATING).

13 Q. AND WHEN YOU LEFT TEMPLE AFTER
14 THE SURGERY, WHAT DID YOU HAVE? DID
15 YOU HAVE A CAST ON?

16 A. CAST ON AND I COULDN'T GRAB IT
17 LIKE THIS (INDICATING), AND THEY TESTED
18 LESS THAN ONE POUND.

19 Q. AND ARE YOU A RIGHTY OR A LEFTY?

20 A. I'M RIGHTY AND ALSO I'M LEFTY,
21 TOO.

22 Q. YOU'RE BOTH?

23 A. BOTH.

24 Q. BEFORE THE ACCIDENT, WHAT DID
25 YOU USE YOUR LEFT HAND FOR?

1 E. SHIN

2 A. LEFT HAND FOR -- I CAN WRITE AND
3 I CAN USE BUT I TRY NOT TO USE THE LEFT
4 HAND.

5 Q. JUST BEFORE THE ACCIDENT, DID
6 YOU WRITE WITH YOUR LEFT HAND, ARE YOU
7 SAYING?

8 A. YEAH, BECAUSE IN KOREAN CULTURE,
9 THEY DON'T LIKE SOUTHPAW SO MY FATHER
10 HIT ME WHEN I'M USING MY LEFT. SO I
11 FORCED TO USE RIGHT HAND BUT I'M PRETTY
12 GOOD AT USING MY LEFT HAND. THE
13 BASEBALL I HIT LEFT(SIC).

14 Q. BEFORE THIS ACCIDENT, DID YOU
15 HAVE ANY INJURY TO YOUR LEFT WRIST OR
16 LEFT HAND?

17 A. NO, THIS IS MY FIRST TIME.

18 Q. OKAY. SO HOW LONG DID YOU WEAR
19 THE CAST FOR, AROUND YOUR LEFT WRIST?

20 A. TWO MONTHS AND I WENT TO
21 EMERGENCY ROOM AGAIN.

22 Q. AFTER THE CAST CAME OFF?

23 A. (INDICATING) THIS WAS SWELLING.

24 MR. BASIL: POINTING TO HIS
25 LEFT ARM.

1 E. SHIN

2 Q. WHICH EMERGENCY ROOM?

3 A. JUST IN A HOSPITAL. I WENT THE
4 NEXT DAY AFTER SURGERY AND I GOT
5 DISCHARGED HOME. I PUT ICE ON IT BUT
6 STILL, FEVER AND SWALLOWING.

7 Q. SO AFTER YOU LEFT TEMPLE WITH
8 THE LEFT WRIST SURGERY, YOU WENT TO THE
9 EMERGENCY ROOM?

10 A. NO, I WENT HOME.

11 Q. YOU WENT HOME?

12 A. YES. AND THE NEXT MORNING I
13 WENT TO EMERGENCY ROOM.

14 Q. AND WHERE WAS THAT?

15 A. CHESTNUT HILL HOSPITAL.

16 Q. OKAY.

17 A. THEY TOOK OUT THE CAST AND GAVE
18 ME ALL KINDS OF MEDICINE TO COME
19 DOWN(SIC).

20 Q. THEY TOOK OFF THE CAST AND PUT
21 ON A NEW ONE?

22 A. NEW ONE. NOT ONLY NEW ONE, AND
23 THEY GAVE ME A GOOD MEDICINE, TOO.

24 Q. WHAT MEDICINE?

25 A. I DON'T KNOW. IT COMING

1 E. SHIN

2 DOWN(SIC).

3 Q. TOOK DOWN THE SWELLING?

4 A. YES, AND FEVER.

5 Q. ALL RIGHT. SO AFTER YOU WENT TO
6 THE EMERGENCY ROOM, WHEN WAS THE NEXT
7 TIME THAT YOU HAD ANY MEDICAL
8 TREATMENT? YOU STARTED THERAPY YOU
9 SAID?

10 A. YES, THERAPY AND I HAVE A BUNCH
11 OF FOLLOW-UP DOCTOR VISITATION.

12 Q. A BUNCH OF WHAT?

13 A. FOLLOW-UP DOCTOR VISITATION.

14 Q. ALL RIGHT. SO WHERE DID YOU GO
15 FOR THE PHYSICAL THERAPY?

16 A. PHYSICAL THERAPY ON MY LEFT ARM.

17 Q. WHERE?

18 A. ON THE CHESTNUT HILL -- SOME
19 DOCTOR RECOMMENDED THAT SENT US SO I
20 DID ABOUT 30 TIMES THERE(SIC).

21 Q. OKAY. AND YOU ALSO HAD
22 FOLLOW-UP FOR YOUR HEAD?

23 A. YES.

24 Q. AND WHO DID YOU GO TO FOR TO
25 FOLLOW-UP FOR YOUR HEAD?

1 E. SHIN

2 A. DR. VILLANUEVA.

3 MR. BASIL:

4 V-I-L-L-A-N-U-E-V-A.

5 Q. OKAY. AND WHAT DID HE DO AT THE
6 FOLLOW-UP VISITS FOR YOUR HEAD?

7 A. HE GAVE ME MEDICATION.

8 Q. WHAT MEDICATION?

9 A. PREVENT SEIZURES AND PREVENT
10 ALZHEIMER'S DISEASE AND ALSO HE DID A
11 CHECK ON MY CAT SCAN AGAIN AND THINGS.

12 Q. AND WHERE DID YOU GO TO GET YOUR
13 PRESCRIPTIONS FILLED? WHEN YOU GOT A
14 PRESCRIPTION, DO YOU GO TO A SPECIFIC
15 PHARMACY?

16 A. WALGREENS.

17 Q. WALGREENS, WHERE? NEAR YOUR
18 HOUSE?

19 A. YEAH, NEAR MY HOUSE.

20 Q. WHAT'S THE ADDRESS?

21 A. I DON'T KNOW.

22 Q. ROAD, TOWN?

23 A. BETHLEHEM PIKE.

24 Q. OKAY. DID YOU HAVE ANY

25 FOLLOW-UP WITH ANY DOCTOR FOR YOUR

1 E. SHIN

2 CHEEK?

3 A. YES.

4 Q. AND WHO WAS THAT?

5 A. SO MANY DOCTORS SAW ME SO I
6 DON'T KNOW THE SPECIFIC DOCTOR BUT THAT
7 HOSPITAL IS IN TEMPLE BUT THAT
8 DEPARTMENT -- SO WHEN I GO THERE --

9 Q. AT TEMPLE UNIVERSITY?

10 A. YES. ALL DIFFERENT DOCTORS TAKE
11 A LOOK AT ME.

12 Q. AND WHAT DID THEY DO FOR THE
13 FOLLOW-UP FOR YOUR CHEEK?

14 A. TEACH ME HOW TO TRAIN BECAUSE I
15 HAVE DAMAGE HERE BECAUSE I CAN NOT FEEL
16 THINGS ON HERE (INDICATING).

17 Q. YOU'RE POINTING TO YOUR CHEEK?

18 A. YEAH, HERE (INDICATING), HERE
19 (INDICATING).

20 Q. YOU HAVE TO SAY IT IN WORDS, YOU
21 CAN'T SAY "HERE." YOUR CHEEK AND WHAT
22 ELSE?

23 A. HERE (POINTING).

24 MR. BASIL: HE'S POINTING
25 ABOVE HIS LIP ON THE LEFT SIDE,

1 E. SHIN

2 UNDER HIS NOSE.

3 A. AND HERE (POINTING).

4 MR. BASIL: HE'S POINTING TO
5 HIS LEFT TEMPLE.

6 Q. AND YOU RECEIVED FOLLOW-UP
7 TREATMENT AT TEMPLE UNIVERSITY FOR
8 THAT?

9 A. YES.

10 Q. IN A SPECIAL DEPARTMENT?

11 A. YES.

12 Q. WHO SAID YOU HAD PERMANENT
13 DAMAGE TO THAT?

14 A. THE DOCTOR ON THIS DEPARTMENT.
15 HE SAID "MAYBE, MAY NOT."

16 Q. DID HE GIVE YOU A TIMELINE AS TO
17 WHEN HE WOULD KNOW WHETHER OR NOT IT
18 WAS PERMANENT?

19 A. HE SAID, "YOU HAVE TO LIVE WITH
20 IT."

21 Q. WHAT'S THAT DOCTOR'S NAME?

22 A. I DON'T REMEMBER THAT DOCTOR.

23 Q. WHEN WAS THE LAST TIME YOU WERE
24 AT THAT DOCTOR?

25 A. SEPTEMBER.

1 E. SHIN

2 Q. OF WHAT YEAR?

3 A. THREE DOCTORS SAW ME IN THAT
4 DEPARTMENT. EACH TIME, DIFFERENT
5 DOCTOR.

6 Q. RIGHT. SO WHEN WAS THE LAST
7 TIME YOU WERE AT THAT DEPARTMENT FOR
8 YOUR CHEEK?

9 A. NOVEMBER, NOVEMBER 2017.

10 Q. NOVEMBER 2017?

11 A. YES.

12 Q. DO YOU HAVE ANY CURRENT
13 APPOINTMENTS?

14 A. I DO NOT.

15 Q. WHAT WAS THE LAST DOCTOR THAT
16 YOU'VE SEEN?

17 A. I DON'T REMEMBER THE DOCTOR'S
18 NAME.

19 Q. WHAT WAS THE LAST SPECIALTY THAT
20 YOU WENT TO, WAS THAT FOR YOUR FACE IN
21 NOVEMBER OF 2017?

22 A. FACE. AND DR. VILLANUEVA WAS
23 DECEMBER OF 2017 AND MY SHOULDER -- THE
24 LAST NAME IS VERY LONG. WE CALL MR. A
25 -- DR. A, AND HE REALLY TREATS ME

1 E. SHIN

2 PRETTY WELL AND GIVES ME GUIDANCE FOR
3 MY SHOULDER. AND THEN MY SHOULDER GOT
4 PROBLEMS.

5 Q. AND THAT'S AT TEMPLE UNIVERSITY,
6 DR. ABDELAFTTAH, A-B-D-E-L-A-F-T-T-A-H?

7 A. YES.

8 Q. AND WHAT DID THIS DOCTOR TELL
9 YOU ABOUT YOUR SHOULDER?

10 A. "MAYBE YOU NEED SURGERY, MAYBE
11 NOT," AND THEN MY PHYSICAL THERAPY
12 CHIROPRACTOR DOCTOR ASK ME TO ASK MY
13 DOCTOR TO TAKE MRI AND DR. A GOT AN
14 "OKAY," FROM THE INSURANCE COMPANY AND
15 TOOK AN MRI ON MY SHOULDER AND SAID,
16 "LUCKILY YOU DO NOT NEED THE SURGERY
17 BUT YOU HAVE PRETTY GOOD DAMAGE THAT
18 YOU NEED TREATMENT."

19 Q. WHEN WAS THE MRI?

20 A. I DON'T REMEMBER EXACTLY.

21 Q. WHERE WAS THE MRI?

22 A. ON CHESTNUT HILL.

23 Q. WAS THAT 2017?

24 A. 2017 OR 2018, I THINK 2018.

25 Q. AND DR. A SAID YOU DON'T NEED

1 E. SHIN

2 ANY SURGERY?

3 A. "NO SURGERY, BUT I'M SURE YOU
4 HAVE DAMAGE."

5 Q. DID HE TELL YOU WHAT KIND OF
6 DAMAGE?

7 A. SOME TISSUE --

8 Q. TISSUE?

9 A. TISSUE -- I DON'T KNOW. THEY
10 TALK VERY PROFESSIONAL WORD(SIC).

11 Q. OKAY.

12 A. AND MY CHIROPRACTIC DOCTOR WHO
13 TREATED ME SAW THE MRI AND SAID HE
14 WOULD TREAT MY SHOULDER.

15 Q. WHEN WAS THE LAST TIME YOU WERE
16 AT THE CHIROPRACTOR?

17 A. WEDNESDAY.

18 Q. SO YOU'RE STILL GOING TO THE
19 CHIROPRACTOR?

20 A. YES, AND ACUPUNCTURE.

21 Q. THE CHIROPRACTOR, THAT'S KIM,
22 THE CHIROPRACTOR?

23 A. YES.

24 Q. AND WHAT DO YOU GO THERE FOR?
25 WHAT PARTS OF YOUR BODY?

1 E. SHIN

2 A. MY LEFT SHOULDER, MY LEFT ARM
3 AND, GENERALLY, I HAVE A PROBLEM ON MY
4 BACK HERE TO (INDICATING).

5 Q. POINTING TO THE LEFT SIDE ON
6 TOP. AND WHAT DO YOU GO THERE FOR?

7 A. YES. AND HERE (INDICATING), AND
8 HE SAID, "THIS IS ALL RELATED TO YOUR
9 ACCIDENT," AND I KNOW THE WEATHER VERY
10 WELL.

11 Q. DO YOU STILL GO TO THE
12 CHIROPRACTOR AND THE ACUPUNCTURIST?

13 A. YES.

14 Q. ARE THEY IN THE SAME BUILDING?

15 A. SAME BUILDING.

16 Q. BUT YOU GO DIFFERENT DAYS OR THE
17 SAME DAY?

18 A. GENERALLY, I GO MONDAY OR
19 WEDNESDAY. AT LEAST TWICE A WEEK.

20 Q. TO THE CHIROPRACTOR AND
21 ACUPUNCTURIST?

22 A. YES.

23 Q. BOTH ON SAME DAY OR DIFFERENT
24 DAYS?

25 A. SOMETIMES DIFFERENT DAY,

1 E. SHIN

2 SOMETIMES SAME DAY.

3 Q. AND HOW OFTEN DO YOU GO? ONCE A
4 WEEK TO THE CHIROPRACTOR OR TWICE A
5 WEEK?

6 A. MINIMUM, TWICE A WEEK.

7 Q. AND WHAT ABOUT THE
8 ACUPUNCTURIST?

9 A. MINIMUM, ONCE A WEEK.

10 Q. WHAT PARTS OF THE BODY DO THEY
11 DO THE ACUPUNCTURE IN?

12 A. GENERALLY, MY FACE AREA TOO AND
13 SHOULDER AND NECK AREA.

14 Q. BESIDES FROM WHAT YOU ALREADY
15 TOLD ME, HAVE YOU RECEIVED ANY
16 TREATMENT FROM ANYBODY ELSE THAT WE
17 HAVEN'T DISCUSSED, SO FAR? ANYBODY
18 THAT YOU MIGHT HAVE LEFT OUT?

19 A. AN EYE DOCTOR CHECK SEVERAL
20 TIMES(SIC).

21 Q. FOR WHAT?

22 A. BECAUSE OF THE INJURY THAT WAS
23 UP TO HERE (INDICATING).

24 MR. BASIL: POINTING TO HIS
25 TEMPLE AGAIN.

1 E. SHIN

2 A. YEAH, TEMPLE -- EYE DOCTOR AND
3 THEY SAID, "YOU'RE OKAY."

4 Q. AND WHAT EYE DOCTOR WAS THAT?

5 A. TEMPLE.

6 Q. TEMPLE. OKAY.

7 A. I FORGOT HIS NAME.

8 Q. SO IT'S THE EYE DEPARTMENT AT
9 TEMPLE AND THEY SAID YOUR EYES ARE
10 OKAY?

11 A. THEY ALSO RECOMMENDED I CHECK
12 WITH MY DENTIST SO AFTER IT SETTLED
13 DOWN I WENT TO MY DENTIST, DR. LEE, AND
14 HE CHECK IT AND FIXED A COUPLE OF
15 THINGS THAT DIDN'T FUNCTION RIGHT.

16 Q. WHAT DID HE FIX?

17 A. SOME CORRECTION ON MY TEETH HERE
18 (INDICATING).

19 Q. ON THE LEFT SIDE?

20 A. YES.

21 Q. WHAT'S DR. LEE'S FIRST NAME?

22 A. I-N-W, LEE, L-E-E.

23 Q. INW. IS THAT A HE OR A SHE?

24 A. HE.

25 Q. WHERE IS HE LOCATED?

1 E. SHIN

2 A. MANOTAK.

3 Q. HOW MANY TIMES DID YOU GO TO
4 DR. LEE TO FIX YOUR TEETH?

5 A. SEVERAL TIMES, I WENT.

6 Q. ANY OTHER HEALTH CARE PROVIDERS
7 THAT YOU WENT TO THAT YOU HAVEN'T TOLD
8 ME ABOUT SO FAR?

9 A. MY FAMILY DOCTOR, DR. BARDIN,
10 B-A-R-D-I-N.

11 Q. WHAT DID YOU GO TO DR. BARDIN
12 FOR?

13 A. DR. BARDIN ARRANGED EVERYTHING
14 ABOUT MY INJURY. HE'S A TEMPLE DOCTOR.

15 Q. HE'S A TEMPLE ALSO?

16 A. YES.

17 Q. IS THAT B OR P?

18 A. B.

19 Q. HOW MANY TIMES DID YOU GO TO DR.
20 BARDIN?

21 A. AFTER THE ACCIDENT, HE WANTED TO
22 SEE ME AT LEAST ONCE A MONTH, BUT RIGHT
23 NOW IT'S REGULARLY.

24 Q. DID YOU GO TO ANY OTHER HEALTH
25 CARE PROVIDERS THAT YOU HAVEN'T TOLD ME

1 E. SHIN

2 ABOUT YET?

3 A. NO, I THINK THAT'S ALL.

4 Q. OKAY.

5 MS. BERKOWITZ: COUNSEL, ARE
6 YOU PURSUING THE TBI CLAIM?

7 MR. BASIL: YES.

8 Q. HAVE YOU EVER HEARD THE TERM
9 "TBI"?

10 A. NO, I DIDN'T.

11 Q. DID ANY DOCTOR TELL YOU THAT YOU
12 HAD ANY INJURY TO YOUR BRAIN?

13 A. DR. VILLANUEVA.

14 Q. LET'S SAY "DR. V." IS THAT A HE
15 OR A SHE?

16 A. HE.

17 Q. WHAT DID HE TELL YOU?

18 A. "YOU HAVE A VERY BIG SCAR, YOU
19 HAVE TO JUST LIVE WITH IT." SO I SAID,
20 "WHAT DO YOU MEAN, 'BIG SCAR,' AM I
21 GOING TO HAVE ALZHEIMER'S?" HE SAID
22 "NO, BUT YOU JUST HAVE BIG SCAR." VERY
23 OLDER DOCTOR BUT HE'S A GOOD DOCTOR, HE
24 TREATS ME VERY WELL.

25 Q. DID YOU EVER HEAR -- DID ANYONE

1 E. SHIN

2 EVER TELL YOU THAT YOU HAVE ANY
3 COGNITIVE -- DO YOU KNOW WHAT THE WORD
4 "COGNITIVE" MEANS?

5 A. NO.

6 Q. ANY PROBLEMS WITH YOUR THINKING
7 OR YOUR ATTENTION OR ANYTHING LIKE
8 THAT?

9 A. YES.

10 Q. WHO TOLD YOU THAT?

11 A. DR. VILLANUEVA.

12 Q. DID HE DO ANY TESTS?

13 A. HE DID.

14 Q. WHAT KIND OF TESTS DID HE DO?

15 A. MANY TESTS. HE DID CAT SCAN AND
16 HE PUT ME ON SOMETHING (INDICATING),
17 SEVERAL HOURS.

18 Q. DID HE DO ANY WRITTEN QUESTIONS
19 ASKING YOU QUESTIONS ABOUT MEMORY,
20 ATTENTION, AND THINKING, THAT TYPE OF
21 THING?

22 A. I DON'T REMEMBER IF HE DID THAT
23 BUT REHAB CENTER DID THAT AND ALSO
24 DR. V SAID, "YOU MAY HAVE SHORT TERM
25 MEMORY LOSS."

1 E. SHIN

2 Q. WHEN DID HE TELL YOU THAT?

3 A. JULY OR AUGUST OF 2017 AND MY
4 WIFE IS SOMETIMES REALLY CONCERNED
5 ABOUT THAT.

6 Q. WHAT CONCERNS DID SHE EXPRESS TO
7 YOU?

8 A. SOMETHING -- THAT I CHANGED. I
9 FORGET EASILY AND I MAKE A NUMBER OF
10 MISTAKES SOMETIMES. SO I HAVE TO SAY
11 "LEFT," BUT SOMETIMES I JUST SAY
12 "RIGHT" AND I THINK "LEFT" SO SHE IS
13 VERY CONCERNED ABOUT THOSE KINDS OF
14 THINGS.

15 Q. BECAUSE YOU'VE BEEN FORGETTING
16 THINGS, IS THAT WHAT HER CONCERN IS?

17 A. YEAH, I NEVER HAVE THAT.

18 Q. YOU DIDN'T HAVE THAT BEFORE THE
19 ACCIDENT?

20 A. NO.

21 Q. BESIDES FOR FORGETTING THINGS
22 AND MAKING MISTAKES, ANY OTHER THINGS
23 THAT YOUR WIFE HAS BROUGHT TO YOUR
24 ATTENTION THAT HAS CHANGED?

25 A. YEAH.

1 E. SHIN

2 Q. WHAT DID SHE BRING TO YOUR
3 ATTENTION?

4 A. ALSO WE NEVER HAVE SEX ANYMORE.
5 SHE SAYS, "WHAT HAPPENED TO YOU?"

6 MS. NICOLAOU: ARE YOU
7 MAKING A DERIVATIVE COMPLAINT?

8 MR. BASIL: SHE'S NOT THE
9 PLAINTIFF.

10 MS. NICOLAOU: I SEE THAT.
11 I'M JUST ASKING.

12 MR. BASIL: SHE'S NOT THE
13 PLAINTIFF.

14 MS. NICOLAOU: SO IS THAT A
15 NO, AS OF NOW YOU HAVE NO
16 INTENTION?

17 MR. BASIL: AS OF NOW, I
18 HAVE NOT CONSULTED WITH HER SO I
19 HAVE NO INTENTION OF BRINGING A
20 CLAIM FOR SOMEONE WHO ISN'T MY
21 CLIENT.

22 Q. HAS YOUR WIFE MADE ANY OTHER
23 CONCERNS OR COMPLAINTS ABOUT YOUR
24 BEHAVIOR?

25 A. SHE'S PRETTY CONCERNED ABOUT MY

1 E. SHIN

2 FUTURE, ABOUT EVERYTHING, THAT I
3 PHYSICALLY DON'T DO THINGS THE WAY THAT
4 I NORMALLY DID.

5 Q. LIKE WHAT?

6 A. GOLFING.

7 Q. GOLFING?

8 A. SPORTS.

9 Q. WHAT SPORTS?

10 A. JOGGING, WALKING, EXERCISE. I
11 DON'T DO THAT ANYMORE.

12 Q. AND YOU DID THAT BEFORE THE
13 ACCIDENT?

14 A. YES.

15 Q. WHAT EXERCISE DID YOU DO BEFORE
16 THE ACCIDENT?

17 A. JUST WALKING, I DID A LOT OF
18 WALKING AND GOLFING.

19 Q. AND HAVE YOU TRIED TO DO ANY OF
20 THOSE ACTIVITIES?

21 A. I TRY. I DID GOLF LAST YEAR
22 ABOUT LESS THAN 10 TIMES BUT NOT FULL
23 THING, I COULD NOT.

24 Q. AND WHY NOT? WHAT COMPLAINTS DO
25 YOU HAVE THAT HAS RESULTED IN YOU NOT

1 E. SHIN

2 BEING ABLE TO BE DO IT AS MUCH ANYMORE?

3 A. THE PAIN (INDICATING).

4 Q. YOU'RE POINTING TO THE LEFT SIDE
5 OF YOUR HEAD?

6 A. MY SHOULDER, MY ARM BUT, YOU
7 KNOW, I GO TO GOLF COURSE AND INSTEAD
8 OF USING STICK, I'M JUST WALKING AROUND
9 DOING THE EXERCISE.

10 MY PHYSICAL THERAPIST SAYS
11 WALKING IS REALLY IMPORTANT AND NO
12 MATTER WHAT, NO RUNNING.

13 Q. WHAT TYPE OF RUNNING DID YOU DO
14 BEFORE THE ACCIDENT?

15 A. SLOW RUNNING. I LOVE RUNNING.

16 Q. HOW OFTEN DID YOU DO THAT?

17 A. THREE TIMES A WEEK, TWO TIMES A
18 WEEK.

19 Q. DID YOU GO TO A HEALTH CLUB OR
20 WAS IT JUST SOMETHING YOU DID OUTSIDE?

21 A. NO, JUST NEARBY MY HOUSE, MY
22 HOUSE HAS A REALLY GOOD JOGGING COURSE.

23 Q. WAS THERE A PERIOD OF TIME WHEN
24 YOU COULDN'T GO BACK TO WORK?

25 A. YES.

1 E. SHIN

2 MS. BERKOWITZ: AM I CORRECT
3 THAT THERE'S NO CLAIM FOR LOST
4 WAGES?

5 MR. BASIL: CORRECT.

6 Q. NOAH BANK PAID YOU FOR THE TIME
7 THAT YOU WERE OUT OF WORK?

8 A. YES.

9 Q. AT YOUR FULL SALARY?

10 A. YES.

11 Q. AND HOW LONG WERE YOU OUT OF
12 WORK?

13 A. PHYSICALLY GO TO MY OFFICE,
14 ABOUT SIX MONTHS BECAUSE I COULDN'T
15 DRIVE AND I COULDN'T STAND MORE THAN
16 TWO HOURS AT THE CHAIR.

17 Q. AND WHEN YOU RETURNED AFTER YOUR
18 SIX MONTHS, DID YOU RETURN TO YOUR FULL
19 DUTIES?

20 A. NO, INSTEAD -- DURING THE SIX
21 MONTHS, NOAH BANK, I HAVE A HOME
22 OFFICE. I DON'T GO TO OFFICE FOR
23 FULL-TIME. I'M WORKING AT THE HOME AS
24 MUCH AS POSSIBLE.

25 Q. OKAY. SO YOU'RE STILL WORKING

1 E. SHIN

2 AT YOUR HOME OFFICE?

3 A. YES, I DO.

4 Q. ARE YOU STILL PERFORMING YOUR
5 DUTIES AS THE PRESIDENT AND CEO?

6 A. YES.

7 Q. AND WHAT DUTIES DO YOU HAVE AS A
8 PRESIDENT?

9 A. EVERYTHING.

10 Q. FOR EXAMPLE, WHAT DO YOU DO?
11 GIVE ME SOME SPECIFIC EXAMPLES.

12 A. LIKE MY HR SENT ME AN INCENTIVE
13 PLAN, I REVIEW IT AND GIVE ME OPINION.

14 Q. AND THAT'S AN INCENTIVE PLAN
15 COMPUTING NUMBERS?

16 A. NOT COMPUTING NUMBERS, A GENERAL
17 PLAN. AND THEY MAKE THE DECISION AND,
18 YOU KNOW, THEY MAKE DECISION. AFTER
19 THE ACCIDENT I JUST ATTENDING -- WHEN
20 THE PEOPLE APPROVE THE LOAN, I JUST GET
21 REPORT(SIC).

22 Q. WHAT IS DIFFERENT ABOUT YOUR
23 DUTIES NOW FROM BEFORE THE ACCIDENT?

24 A. SAME.

25 Q. SAME DUTIES?

1 E. SHIN

2 A. YEAH.

3 Q. OKAY.

4 A. YEAH, BUT I'M DOING A LOT OF
5 THINGS AT THE HOME OFFICE.

6 Q. OKAY. BUT YOU'RE DOING THE SAME
7 THING THAT YOU DID BEFORE THE ACCIDENT?

8 A. YES, AND I GAVE A LOT DETAILS TO
9 MY PEOPLE.

10 MS. BERKOWITZ: ALL RIGHT.

11 I'M GOING TO PASS TO MY

12 CO-COUNSEL FOR A LITTLE BIT.

13 EXAMINATION

14 BY MS. NICOLAOU:

15 Q. MR. SHIN, ARE YOU STILL ON
16 MEDICATION FOR SEIZURES -- ARE YOU
17 STILL ON SEIZURE MEDICATION?

18 A. NO.

19 Q. THAT WAS -- WHEN DID YOU STOP
20 TAKING IT?

21 A. I DON'T REMEMBER EXACTLY BUT
22 ABOUT SIX MONTHS.

23 Q. WAS IT 2017?

24 A. YES, ABOUT SIX MONTHS.

25 Q. SO SOME TIME IN 2017?

1 E. SHIN

2 A. RIGHT.

3 Q. THAT'S BECAUSE YOU DIDN'T
4 EXHIBIT ANY SIGNS OF SEIZURES ONCE YOU
5 WERE ON IT AND THEY WEENED YOU OFF?

6 A. RIGHT, AND ACTUALLY IT WAS A
7 PREVENTION, TOO.

8 Q. SO YOU WERE DISCHARGED BY
9 DR. VILLANUEVA?

10 A. YEAH, HE SAID, "ANY TIME YOU
11 FEEL THINGS, COME BACK." I'M THINKING
12 ABOUT GOING BACK TO SEE HIM BECAUSE I
13 FEEL SWELLING THESE DAYS HERE
14 (INDICATING), BECAUSE OF WINTER.

15 MR. BASIL: I'M SORRY. DID
16 YOU GET THAT?

17 (WHEREUPON, THE RECORD WAS
18 READ BY THE REPORTER.)

19 Q. HE DISCHARGED YOU IN 2017?

20 A. YEAH, DECEMBER.

21 Q. AND HE SAID, "ANY SIGNS OF
22 SYMPTOMS, COME BACK"?

23 A. RIGHT, COME BACK.

24 Q. YOU HAVEN'T BEEN BACK THERE
25 SINCE?

1 E. SHIN

2 A. NO.

3 Q. AND YOU'RE SAYING, NOW YOU'RE
4 THINKING OF GOING BACK?

5 A. YES.

6 Q. WHEN DID YOU START THINKING OF
7 GOING BACK?

8 A. ABOUT THREE MONTHS AGO.

9 Q. OKAY. AND HAVE YOU MADE AN
10 APPOINTMENT WITH HIM?

11 A. NO.

12 Q. WHAT HAS HAPPENED TO MAKE YOU
13 WANT TO GO BACK?

14 A. BECAUSE OF SWELLING HERE
15 (INDICATING).

16 Q. YOU'RE SEEING SWELLING IN YOUR
17 HEAD?

18 A. HERE AND HERE (INDICATING).

19 Q. INDICATING THE LEFT TEMPORAL
20 AREA?

21 A. YES, THIS AREA (INDICATING).

22 Q. AND IS IT SWOLLEN NOW?

23 A. YES. WHEN I TAKE OFF -- YOU SEE
24 THE SIDE HERE (INDICATING), THAT'S THE
25 SWELLING.

1 E. SHIN

2 Q. CAN I SEE YOUR OTHER SIDE, SIR?

3 OKAY. BUT YOU HAVEN'T MADE AN
4 APPOINTMENT YET, RIGHT?

5 A. NO, NOT YET BECAUSE I'M VERY
6 BUSY WITH THE PHYSICAL THERAPY AND THE
7 CHIROPRACTOR. THAT TAKES A LOT OF MY
8 TIME.

9 Q. NOW, YOU SAID YOU WORK FROM YOUR
10 HOME OFFICE?

11 A. YES.

12 Q. WHICH OFFICE? IS IT THE HOME
13 OFFICE IN PENNSYLVANIA OR IS IT THE
14 HOME OFFICE SET UP IN NEW JERSEY?

15 A. MY HOME IN PENNSYLVANIA, 1575.

16 Q. OKAY. SO HOW MANY DAYS OUT OF
17 WEEK -- AS OF NOW, PRESENTLY, HOW MANY
18 DAYS OUT OF THE WEEK DO YOU WORK OUT OF
19 THE BANK AND HOW MANY DAYS DO YOU WORK
20 AT THE HOME OFFICE?

21 A. TWO OR THREE DAYS IN FORT LEE
22 OFFICE AND TWO OR THREE DAYS IN THE
23 HOME OFFICE, SO IT'S COMBINED.

24 Q. HOW DO YOU GET TO AND FROM WORK
25 WHEN YOU GO TO FORT LEE?

1 E. SHIN

2 A. DRIVING.

3 Q. YOU DRIVE YOURSELF?

4 A. YES.

5 Q. WHEN DID YOU GO BACK TO DRIVING?

6 A. ONE TIME DRIVING -- I DON'T
7 DRIVE MUCH IN 2017 SO PROBABLY 2018.
8 MY WIFE DROVE ALL OF THE TIME.

9 Q. DO YOU REMEMBER WHEN YOU STARTED
10 DRIVING YOURSELF?

11 A. YEAH, I THINK NOVEMBER.

12 Q. OF 2017?

13 A. YEAH.

14 Q. AND WHEN DID YOU GO TO DRIVING
15 YOURSELF COMPLETELY, FULL-TIME DRIVING?
16 WAS IT ALSO NOVEMBER OF 2017?

17 A. I WOULD SAY BEGINNING OF 2018,
18 JANUARY. AGAIN, IF I HAVE A CHANCE, MY
19 WIFE DRIVE.

20 Q. DOES YOUR WIFE DRIVE YOU TO
21 WORK?

22 A. AT THE TIME, YES.

23 Q. CURRENTLY?

24 A. CURRENTLY, SOMETIMES.

25 Q. HOW LONG IS THE DRIVE FROM YOUR

1 E. SHIN

2 HOME IN PENNSYLVANIA TO FORT LEE, NEW
3 JERSEY?

4 A. LESS THAN TWO HOURS.

5 Q. IS THAT WITH OR WITHOUT TRAFFIC?
6 HOW DOES THAT WORK? BECAUSE WE ALL
7 KNOW THERE'S TRAFFIC SOMEWHERE.

8 A. I KNOW THE AVOIDING TRAFFIC
9 TIME.

10 Q. SO NO TRAFFIC; LESS THAN TWO
11 HOURS, WITH TRAFFIC; HOW LONG DOES IT
12 USUALLY TAKE YOU?

13 A. FOR ME, IT RARELY TAKES MORE
14 THAN TWO HOURS.

15 Q. WHEN YOU WORK TWO OR THREE DAYS
16 OUT OF THE BANK IN FORT LEE, IS THAT
17 WHEN YOU STAY IN THE APARTMENT THAT YOU
18 RENT?

19 A. YES.

20 Q. HOW FAR IS IT FROM THE BANK?

21 A. 10 MINUTES.

22 Q. YOU STAY THERE, YOU SLEEP THERE,
23 YOU GO BACK TO WORK AND THEN AFTER TWO
24 OR THREE DAYS, YOU DRIVE HOME?

25 A. RIGHT, MY WIFE COME TO SEE ME,

1 E. SHIN

2 TO HELP ME.

3 Q. WHEN YOUR WIFE DRIVES YOU TO
4 WORK FROM PENNSYLVANIA, HOW DO YOU GO
5 TO AND FROM THE HOUSE IN NEW JERSEY TO
6 WORK?

7 A. WE CAN SHARE THE CAR.

8 Q. DOES SHE STAY UP IN NEW JERSEY
9 WITH YOU?

10 A. YES, YES.

11 Q. DID SHE DO THAT BEFORE? COME
12 WITH YOU WHEN YOU WENT TO WORK?

13 A. NO.

14 Q. IS IT, NOW SHE'S COMING WITH YOU
15 BECAUSE YOUR GIRLS ARE OUT OF THE
16 HOUSE?

17 A. NO, NOT REALLY MY DAUGHTERS.
18 SHE'S WORRYING ABOUT ME. SHE'S REALLY
19 WORRYING ABOUT ME.

20 Q. WHAT IS YOUR WIFE'S NAME?

21 A. SOFIE HAHN. SHE REALLY WORRIES
22 ABOUT ME.

23 Q. NOW, I KNOW YOU SAID YOU WENT
24 BACK TO THE EYE DOCTOR, THAT YOU GOT
25 CLEARED FOR THAT ONE, RIGHT?

1 E. SHIN

2 A. RIGHT.

3 Q. YOUR SPEECH IS FINE NOW?

4 A. ACCORDING TO MY WIFE, SOMETIMES
5 I MAKE MISTAKE THAT SHE CAN HEAR.

6 Q. OKAY. ACCORDING TO YOU, SIR, DO
7 YOU FEEL LIKE YOUR SPEECH IS FINE?

8 A. SPEECH IS OKAY, BUT SOMETIMES I
9 COULDN'T REMEMBER THINGS THAT I SHOULD
10 BUT LIKE DR. V TOLD ME, "TIME GOES BY
11 THEN I REMEMBER."

12 LIKE, ADDRESS, YOU KNOW? "GRAND
13 AVENUE," I COULDN'T REMEMBER AT THE
14 TIME BUT AFTER THINGS, I REMEMBER THE
15 NUMBER.

16 Q. WHAT WAS THE NUMBER?

17 A. 460, I BELIEVE.

18 Q. DID YOU LOOK AT IT? DID YOU
19 LOOK IT UP?

20 A. NO, I DID NOT.

21 Q. DID YOU LOOK IT UP?

22 A. NO. SOMETIMES I FORGET MY
23 FRIEND'S NAME, I COULDN'T NAME THEM AND
24 AFTER A COUPLE OF HOURS -- THE NAME, I
25 REMEMBER.

1 E. SHIN

2 I NEVER HAVE THAT BEFORE.

3 Q. OKAY. BUT OTHER THAN YOUR
4 MEMORY, YOUR SHORT-TERM MEMORY LOSS, IS
5 THAT WHAT THEY REFER TO IT AS?

6 A. NO, HE DOESN'T SAY IT'S
7 SHORT-TERM MEMORY. HE MENTIONED
8 THAT -- DID HE SAY, "SHORT-TERM
9 MEMORY"?

10 Q. DO YOU KNOW THE DIFFERENCE
11 BETWEEN "SHORT-TERM MEMORY" AND
12 "LONG-TERM MEMORY LOSS"?

13 A. I DO NOT KNOW.

14 Q. "SHORT-TERM MEMORY," IS
15 SOMETHING THAT JUST HAPPENED AND A FEW
16 MINUTES LATER YOU MAY FORGET IT.

17 A. OKAY.

18 Q. "LONG-TERM MEMORY," IS THINGS
19 THAT YOU REMEMBER IN THE PAST AND
20 WHETHER YOU REMEMBER THEM NOW.

21 A. OKAY.

22 Q. DO YOU KNOW WHETHER IT'S YOUR
23 SHORT-TERM MEMORY THAT'S IMPACTED, YOUR
24 LONG-MEMORY THAT'S IMPACTED, OR A
25 COMBINATION OF BOTH? HOW CAN YOU

1 E. SHIN

2 DESCRIBE IT?

3 A. I DO NOT KNOW.

4 Q. OKAY. IS A LOT OF WHAT YOU'RE
5 TESTIFYING TO, IS WHAT PEOPLE ARE
6 TELLING YOU OR WHAT YOU'RE
7 EXPERIENCING?

8 A. I'M EXPERIENCING.

9 Q. OKAY. SO LET'S FOCUS ON WHAT
10 YOU'RE EXPERIENCING.

11 A. I DON'T WANT OTHER PEOPLE
12 TELLING ME, "YOU HAVE SOME PROBLEM."

13 Q. WHEN I SAY "OTHER PEOPLE," I'M
14 REFERRING TO YOUR WIFE.

15 A. YES.

16 Q. SHE CAN TELL YOU IF SHE HAS A
17 PROBLEM WITH YOU, RIGHT? THAT'S HER
18 PREROGATIVE.

19 A. I'M VERY CAREFUL ABOUT WHAT I'M
20 DOING BECAUSE OF MY PROFESSION.

21 Q. I UNDERSTAND, SIR. SO YOUR
22 SPEECH, AS OF TODAY, IT HAS IMPROVED?

23 A. RIGHT.

24 Q. IT'S BACK TO NORMAL?

25 A. NO, I DON'T SAY IT'S "NORMAL."

1 E. SHIN

2 Q. WHAT IS IT THAT YOU FEEL IN YOUR
3 SPEECH THAT YOU FEEL IS NOT NORMAL?
4 I'M NOT REFERRING TO YOUR MEMORY, I'M
5 REFERRING TO HOW YOU SPEAK.

6 A. SPEAK, NO PROBLEM.

7 Q. OKAY. SO STOP THERE. SO YOU
8 CAN SPEAK -- BECAUSE I REMEMBER YOU
9 TESTIFIED, AFTER THE ACCIDENT YOU HAD
10 TO WORK ON YOUR SPEECH; IS THAT RIGHT?

11 A. OH, YOU MISUNDERSTAND. THEY
12 SAID, "SPEECH THERAPY" -- NO, NO.
13 SPEECH THERAPY IS NOT SPEAKING.

14 Q. OKAY. WHAT IS IT?

15 A. IT'S INCLUDING THE SHORT TERM
16 AND LONG-TERM MEMORY. I KNOW THREE
17 THINGS. I NEVER BEEN IN REHAB OR THOSE
18 HOSPITAL LOGS BEFORE. THERE ARE THREE
19 TITLES OF THERAPY, "PHYSICAL THERAPY,"
20 "SPEECH THERAPY," "OCCUPATIONAL
21 THERAPY."

22 "PHYSICAL THERAPY," IS LITERALLY
23 THERAPY. "SPEECH THERAPY," IS TESTING
24 THAT I'M GOING TO RECYCLE LONG-TERM
25 MEMORY THINGS.

1 E. SHIN

2 Q. THAT'S YOUR UNDERSTANDING OF
3 "SPEECH THERAPY"?

4 A. RIGHT. NOT SPEAKING. I DON'T
5 HAVE ANY PROBLEM SPEAKING.

6 Q. I UNDERSTAND. THAT'S ON WHAT
7 YOUR UNDERSTANDING OF SPEECH THERAPY
8 IS, WHEN YOU WERE AT THE REHAB
9 FACILITY --

10 A. RIGHT.

11 Q. -- YOU WERE TESTED ON THE
12 ABILITY TO SPEAK? "YES" OR "NO."

13 A. SPEAK, NO PROBLEM.

14 Q. YOU NEVER HAD A PROBLEM WITH
15 THAT?

16 A. WHEN I HAVE A SOMETHING HERE
17 (INDICATING), I HAVE HARD TO
18 PRONOUNCE(SIC).

19 Q. OTHER THAN THE PHYSICAL
20 LIMITATION WHEN YOU HAD THE BROKEN
21 CHEEKBONE AFTER THE SURGERY?

22 A. NO, I DON'T HAVE ANY PROBLEM TO
23 SPEECH. I FEEL VERY AWFUL HERE
24 (INDICATING) THAT THIS IS PARALYZED.

25 MR. BASIL: POINTING TO HIS

1 E. SHIN

2 UPPER LEFT SIDE OF HIS LIP. THAT
3 IT'S PARALYZED.

4 Q. IT'S NUMB, YOU CAN'T FEEL IT?

5 A. YEAH.

6 Q. IS IT IMPACTING YOUR ABILITY TO
7 SPEAK?

8 A. I DON'T THINK SO JUST FEELS
9 AWFUL.

10 Q. JUST FEELS OFF, WEIRD?

11 A. RIGHT.

12 Q. DOESN'T HURT?

13 A. HERE AND THERE.

14 Q. HERE AND THERE. BUT MOSTLY IT
15 JUST FEELS WEIRD?

16 A. YES.

17 Q. SO YOUR SPEECH IS FINE, THE
18 ABILITY TO SAY WORDS --

19 A. IS NO PROBLEM.

20 Q. OKAY. THAT'S FINE --

21 A. WHEN I GO TO --

22 Q. -- MR. SHIN, LET ME FINISH.

23 LET'S BREAK IT DOWN, WE'RE GOING TO

24 BREAK IT DOWN. OKAY?

25 YOUR SPEECH IS FINE, YOUR

1 E. SHIN

2 ABILITY TO COMMUNICATE WITH PEOPLE WAS
3 NEVER AN ISSUE, ONLY WHEN YOUR FACE --
4 YOUR CHEEKBONE WAS BROKEN, THAT'S WHEN
5 IT WAS AN ISSUE?

6 A. RIGHT.

7 Q. NOW, YOUR ABILITY TO TAKE IN
8 INFORMATION AND PROCESS IT IS WHAT THEY
9 WORKED ON AT THE REHAB FACILITY; IS
10 THAT RIGHT?

11 A. RIGHT.

12 Q. OKAY. AND THAT'S IMPROVED; IS
13 THAT RIGHT?

14 A. IT'S IMPROVED.

15 Q. YOU CAN LISTEN TO A CONVERSATION
16 LIKE YOU'RE DOING NOW, YOU'RE
17 PROCESSING MY QUESTION AND YOU'RE
18 ANSWERING MY QUESTION, RIGHT?

19 A. RIGHT.

20 Q. THAT'S NOT DIFFICULT?

21 A. SOMETIMES A PROBLEM.

22 Q. OKAY. SOMETIMES PROBLEM. HAD
23 YOU EXPERIENCED ANY PROBLEMS -- AS
24 WE'RE SITTING HERE TODAY, HAD YOU
25 EXPERIENCED ANY PROBLEMS PROCESSING

1 E. SHIN

2 WHAT'S BEING ASKED TO YOU AND
3 COMMUNICATING THAT?

4 A. NO.

5 Q. OKAY. THE NEXT THING IS YOUR
6 MEMORY.

7 A. RIGHT.

8 Q. YOUR MEMORY -- SITING HERE
9 TODAY, YOU HAVE A HARD TIME REMEMBERING
10 CERTAIN THINGS?

11 A. TODAY, I DON'T THINK SO.

12 Q. TODAY, I DON'T THINK SO. YOUR
13 MEMORY IS FINE TODAY?

14 A. RIGHT, RIGHT.

15 Q. WHEN IS IT A PROBLEM?

16 A. LIKE, THREE DAYS AGO I HAD A
17 VERY IMPORTANT MEETING. I COULDN'T
18 REMEMBER THE NAME OF A FIRM AT THE
19 TIME. I COULDN'T REMEMBER SO I SAID,
20 "YEAH WE HAD SOME" -- SO I JUST STARTED
21 ANOTHER CONVERSATION. THEN AFTER FIVE
22 MINUTES I REMEMBER THE FIRM'S NAME SO I
23 SAID, "BY THE WAY, YOU KNOW THE COMPANY
24 WAS" -- YOU KNOW, THINKING ABOUT IT AND
25 MY WIFE CAUGHT IT THOSE TIMES.

1 E. SHIN

2 Q. THAT YOU HAD A HARD TIME
3 REMEMBERING THAT FIRM'S NAME?

4 A. YES.

5 Q. OTHER THAN THAT, IS THERE
6 ANYTHING ELSE YOU'RE HAVING ISSUES
7 WITH?

8 A. I DON'T THINK SO.

9 Q. NOW, YOU MENTIONED THAT YOU
10 DON'T HAVE SEX WITH YOUR WIFE ANYMORE?

11 A. FIRST OF ALL, I DON'T HAVE ANY
12 ENERGY. I'M SICK, MAYBE MENTALLY --
13 SOMETHING AND MY -- THIS ARM
14 (INDICATING) --

15 Q. LEFT ARM?

16 A. LEFT ARM.

17 Q. SO YOUR LEFT ARM IS BOTHERING
18 YOU?

19 A. BOTHERING ME.

20 Q. AND THAT'S PREVENTING YOU FROM
21 HAVING SEX WITH YOUR WIFE, YOUR LEFT
22 ARM?

23 A. YES.

24 Q. IS ALL YOUR OTHER BODY PARTS
25 WORKING?

1 E. SHIN

2 A. I THINK SO, I HOPE SO.

3 Q. HAVE YOU TRIED TO USE THEM?

4 A. NO.

5 Q. ARE YOU ON ANY MEDICATION AS WE
6 SPEAK?

7 A. USING A LOT OF TYLENOL.

8 Q. TYLENOL, JUST FOR THE PAIN?

9 A. YEAH, 500 MILLIGRAMS. THAT'S
10 WHAT DR. BARDIN SUGGESTED ME.

11 MS. NICOLAOU: DID WE GET AN
12 AUTHORIZATION FOR HIS PRIMARY,
13 DR. BARDIN?

14 MS. BERKOWITZ: NO.

15 MS. NICOLAOU: I'M GOING TO
16 DEMAND MEDICAL RECORDS FROM DR.
17 BARDIN.

18 MS. BERKOWITZ: I JOIN.

19 MR. LEVINSON: I JOIN.

20 A. I HAD A BUNCH OF PAIN KILLERS
21 BUT I DON'T NEED A PRESCRIPTION FOR
22 THIS.

23 Q. OKAY. SO DR. BARDIN PRESCRIBES
24 YOU 500 MILLIGRAMS?

25 A. NO, I DON'T NEED A PRESCRIPTION.

1 E. SHIN

2 Q. OH, IT'S JUST OVER-THE-COUNTER?

3 A. YES.

4 Q. HOW MANY TIMES DID YOU TAKE IT
5 PER DAY?

6 A. NOT EVERYDAY BUT AS I NEED.

7 Q. HOW OFTEN DO YOU TAKE IT THEN?

8 A. A WEEK, PROBABLY EIGHT OR 10.

9 AND I HAVE ANOTHER SUPPLEMENT, VITAMIN
10 RECOMMENDED BY -- IT'S CALLED ACP. IT
11 ALSO HELPS FOR MY PAIN.

12 Q. DO YOU TAKE ANY MEDICATION -- I
13 KNOW YOU SAID YOU DON'T TAKE ANY
14 SEIZURE MEDICATION AT ALL -- DO YOU
15 TAKE ANY OTHER MEDICATION TO EITHER
16 IMPROVE YOUR ABILITY TO RECALL THINGS
17 -- WITHDRAWN.

18 DO YOU TAKE ANY OTHER
19 MEDICATION, OTHER THAN THE TYLENOL AND
20 THE ACP?

21 A. MY HIGH BLOOD PRESSURE, I'M
22 SURE. SINCE 2005.

23 Q. YOU'RE ON HIGH BLOOD PRESSURE
24 MEDICATION?

25 A. YES.

1 E. SHIN

2 MR. BASIL: I JUST NEED A
3 SECOND TO CONSULT WITH MY
4 PARTNER.

5 MS. NICOLAOU: SURE.

6 (WHEREUPON, A RECESS WAS
7 TAKEN AT THIS TIME.)

8 Q. MR. SHIN, HAS YOUR INABILITY TO
9 REMEMBER CERTAIN THINGS, WHETHER IT'S A
10 NAME OR MAKING A RIGHT INSTEAD OF A
11 LEFT OR SOMETHING LIKE THAT, HAS IT
12 IMPACTED YOUR ABILITY TO DO YOUR JOB AT
13 THE BANK?

14 A. YES AND NO.

15 Q. HOW HAS IT IMPACTED YOUR ABILITY
16 TO DO YOUR JOB?

17 A. I CANNOT PUT MORE TIME TO WORK
18 AS I USUALLY DO ON REGULAR BASIS. I
19 THINK I CAN MAKE MORE PROFIT FOR THE
20 BANK BUT I TRY NOT TO OVERWORK.

21 Q. SO IS IT YOUR TESTIMONY THAT YOU
22 FEEL THAT BECAUSE OF YOUR MEMORY IT'S
23 LIMITING YOUR ABILITY TO WORK AS MUCH
24 AS YOU USED TO AND THAT'S TRICKLED DOWN
25 TO BRINGING BUSINESS IN FOR THE BANK?

1 E. SHIN

2 A. IT'S NOT MEMORY, IT'S MY
3 PHYSICAL CONDITION.

4 Q. PHYSICAL CONDITION. OKAY. AND
5 THAT HAS TRANSLATED INTO YOU NOT BEING
6 ABLE TO BRING BUSINESS INTO THE BANK?

7 A. YES. SO I SAID "YES" AND "NO."

8 Q. AND "NO," IN WHAT SENSE?

9 A. I'M DOING MY JOB FUNCTION RIGHT
10 NOW.

11 Q. YOU'RE DOING YOUR JOB FUNCTION.
12 OKAY. MR. SHIN, ARE YOU SUING A SUNDAY
13 JOURNAL, KOREAN JOURNAL IN FEDERAL
14 COURT?

15 A. YES.

16 Q. AND YOU'RE SUING THEM FOR
17 DEFAMATION?

18 A. YES.

19 Q. YOU FILED THE SUIT BACK IN
20 SEPTEMBER 2018; IS THAT RIGHT?

21 A. I DON'T REMEMBER EXACT DATE BUT
22 IF IT SAYS SO, YES.

23 Q. AND SOME LAWSUIT YOU FILED WAS
24 ON BEHALF OF YOURSELF --

25 A. AND THE BANK.

1 E. SHIN

2 Q. -- AND THE BANK. NOAH BANK?

3 A. RIGHT.

4 Q. AND THE ALLEGATIONS AND THE
5 COMPLAINT IS THAT THE KOREAN NEWSPAPER
6 ACCUSED YOU AND THE BANK OF VARIOUS
7 ILLEGAL CONDUCT; IS THAT RIGHT?

8 A. RIGHT.

9 Q. AND SOME OF IT WAS PART -- IN
10 CONNECTION WITH YOUR ACCIDENT; IS THAT
11 RIGHT?

12 A. MOST OF IT, YES.

13 Q. OKAY. AND THE FIRM THAT'S
14 REPRESENTING YOU IN THIS ACTION AND
15 DEFAMATION CASE, IS THE SAME FIRM
16 THAT'S REPRESENTING YOU IN THIS CASE,
17 RIGHT?

18 A. YES.

19 Q. NOW, IN THE COMPLAINT YOU
20 ALLEGED THAT BECAUSE OF THIS
21 DEFAMATION, YOU'VE LOST BUSINESS FOR
22 THE BANK?

23 A. YES.

24 Q. AND YOU'VE JUST TESTIFIED,
25 BECAUSE OF YOUR INJURY YOU CAN'T BRING

1 E. SHIN

2 BUSINESS TO THE BANK?

3 A. I SAID "MORE."

4 Q. MORE BUSINESS?

5 A. YES.

6 Q. OKAY.

7 MS. NICOLAOU: CAN WE MARK
8 THIS PLEASE?

9 (WHEREUPON, PENNSYLVANIA
10 DEFAMATION CASE WAS MARKED AS
11 DEFENDANT'S EXHIBIT M FOR
12 IDENTIFICATION AS OF THIS DATE.)

13 Q. SO YOU TESTIFIED THAT BECAUSE OF
14 YOUR PHYSICAL CONDITION, YOU CANNOT
15 BRING MORE BUSINESS TO THE BANK; IS
16 THAT RIGHT?

17 A. RIGHT.

18 Q. OKAY. I'M GOING TO SHOW YOU
19 WHAT'S BEEN MARKED AS DEFENDANT'S
20 EXHIBIT M. I'M GOING TO SHOW YOU
21 PARAGRAPH 86. TAKE A LOOK AT THAT
22 (HANDING). READ IT PLEASE, INTO THE
23 RECORD PARAGRAPH 86?

24 A. OKAY.

25 Q. CAN YOU READ THAT PARAGRAPH INTO

1 E. SHIN

2 THE RECORD, SIR?

3 MS. BERKOWITZ: SHE'S NEVER
4 GOING TO GET IT. WAIT ONE
5 SECOND. WHAT PARAGRAPH?

6 MS. NICOLAOU: 86. YOU KNOW
7 WHAT LET ME JUST READ IT THEN.

8 JUST FOR THE SAKE OF
9 EXPEDIENCY I'M JUST GOING TO
10 READ.

11 PARAGRAPH 86 OF THE
12 COMPLAINT SAYS --

13 Q. ARE YOU LISTENING, MR. SHIN?

14 A. YES.

15 Q. "THE DEFAMATORY STATEMENTS IN
16 THE ARTICLES" -- AND THOSE ARTICLES
17 WE'RE REFERRING TO AS THE "KOREAN
18 ARTICLES," RIGHT?

19 A. RIGHT.

20 Q. "HAVE CAUSED SHIN DAMAGES.
21 INCLUDING DAMAGES TO HIS REPUTATION,
22 COMPENSATIONS, BONUSES, INTO HIS
23 BUSINESS INTERESTS AND PERSPECTIVE,
24 ECONOMIC OPPORTUNITIES."

25 DO YOU UNDERSTAND WHAT THAT

1 E. SHIN

2 PARAGRAPH SAYS?

3 A. YES.

4 Q. IN THIS COMPLAINT, MR. SHIN,
5 YOU'RE ALLEGING THAT BECAUSE OF THE
6 ARTICLES THAT YOU CLAIM TO BE FALSE
7 STATEMENTS THAT WERE SHARED ONLINE, YOU
8 HAVE SUFFERED INJURY TO YOUR
9 REPUTATION, YOUR ABILITY TO COLLECT
10 MONEY, COMPENSATION, BONUSES, BUT YOU
11 ALSO ALLEGED, YOUR ABILITY TO BRING IN
12 PERSPECTIVE CLIENTS; IS THAT RIGHT?

13 A. RIGHT.

14 Q. IN THIS ACTION, YOU'RE ALLEGING
15 THAT BECAUSE OF YOUR INJURIES YOU'RE
16 LIMITED FROM BRINGING IN MORE BUSINESS,
17 RIGHT?

18 A. RIGHT.

19 Q. SO IT'S THE SAME THING?

20 A. RIGHT. AND PLUS MORE.

21 Q. NOW, YOU WOULD GET BONUSES AT
22 NOAH BANK?

23 A. YES.

24 Q. AND YOUR BONUSES, WERE THEY
25 IMPACTED FROM THIS INJURY?

1 E. SHIN

2 A. YES AND NO.

3 Q. SO ARE YOU ALLEGING -- AS WE SIT
4 HERE NOW, ARE YOU ALLEGING THAT BECAUSE
5 OF YOUR INJURY, YOU'RE NOT GETTING ANY
6 BONUSES?

7 A. NO, I GET A BONUS BUT I SHOULD
8 GET MORE BONUSES.

9 MS. NICOLAOU: OKAY. ARE WE
10 ALLEGING IN THIS ACTION THAT
11 BONUSES IS A CLAIM?

12 MR. BASIL: NO. THERE IS NO
13 CLAIM FOR LACK OF BONUSES,
14 SALARY, ANYTHING, OTHER THAN
15 PERSONAL INJURY.

16 MS. NICOLAOU: OKAY.

17 Q. AND MR. SHIN, JUST TO CONFIRM,
18 THESE ARE FOUR ARTICLES THAT WERE
19 PUBLISHED IN 2017?

20 A. RIGHT.

21 Q. AND THEY WERE PUBLISHED ONLINE?

22 A. ONLINE AND SOME NEWSPAPER IN LOS
23 ANGELES.

24 Q. AND THEY'RE KOREAN BASED PAPERS,
25 RIGHT?

1 E. SHIN

2 A. YES.

3 Q. AND THE FIRST ONE WAS PUBLISHED
4 A FEW DAYS AFTER YOUR ACCIDENT?

5 A. RIGHT.

6 Q. AND THE SECOND ONE WAS PUBLISHED
7 A MONTH LATER, IN MAY?

8 A. YES.

9 Q. ANOTHER ONE IN MAY?

10 A. RIGHT.

11 Q. AND ANOTHER ONE IN NOVEMBER OF
12 2017?

13 A. RIGHT.

14 Q. AND YOU WENT BACK TO WORK IN
15 NOVEMBER OF 2017?

16 A. YES.

17 Q. THAT'S WHEN YOU STARTED WORKING
18 FROM HOME OR WHEN YOU WENT --
19 PHYSICALLY WENT BACK TO WORK?

20 A. PHYSICALLY IN AND OUT, SLOW
21 START.

22 Q. WHEN DID YOU START WORKING FROM
23 HOME?

24 A. AROUND JUNE, MAY.

25 Q. MAY, JUNE, YOU STARTED WORKING

1 E. SHIN

2 FROM HOME?

3 A. RIGHT, YES.

4 30 MINUTES AT DESK, ONE HOUR
5 BED, 30 MINUTES AT DESK, ONE HOUR BED.

6 MS. NICOLAOU: MOVE TO
7 STRIKE HIS PORTIONS THAT ARE
8 UNRESPONSIVE.

9 Q. CAN YOU QUANTIFY, IN ANY WAY,
10 MR. SHIN, HOW MUCH PROFIT YOU HAVE BEEN
11 UNABLE TO BRING TO THE BANK BECAUSE OF
12 YOUR PHYSICAL INJURIES VERSUS YOUR
13 DEFAMATION CLAIM?

14 A. I DO NOT KNOW.

15 Q. THE SAME QUESTION FOR BUSINESS,
16 SUCH AS CLIENTS, NOT NECESSARILY PROFIT
17 BUT CLIENTS, ARE YOU ABLE TO QUANTIFY
18 THAT IN ANY WAY, HOW MUCH CLIENTS THAT
19 YOU'RE NOT ABLE TO BRING TO THE BANK
20 BECAUSE OF YOUR PHYSICAL CONDITION
21 VERSUS CLIENTS YOU LOST FROM THE
22 DEFAMATION CLAIM?

23 A. I DO NOT KNOW, I DON'T WANT TO
24 GUESS.

25 Q. DO YOU HAVE ANYTHING -- ANY

1 E. SHIN

2 DOCUMENTATION THAT WOULD REFLECT HOW
3 MUCH OF IT WAS RELATED TO YOUR PHYSICAL
4 CONDITION VERSUS YOUR DEFAMATION?

5 A. NO, I DO NOT.

6 Q. IS THERE ANY OTHER LAWSUITS
7 FILED BY YOU, MR. SHIN, AGAINST ANYBODY
8 ELSE THAT IN SOME WAY IS CONNECTED TO
9 THE ACCIDENT OF APRIL 21ST, 2017, OTHER
10 THAN THE ONE THAT WE ARE SITTING HERE
11 FOR TODAY AND THE DEFAMATION CLAIM
12 THAT'S PENDING IN THE FEDERAL COURTS IN
13 THE EASTERN DISTRICTS OF PENNSYLVANIA?

14 A. YOU MEAN, INCLUDING MY BANK FOR
15 COLLECTION EFFORT AND THINGS?

16 Q. BY YOU, IN CONNECTION WITH YOUR
17 ACCIDENT.

18 A. NO.

19 Q. OKAY. HAS YOUR BANK FILED ANY
20 CLAIMS?

21 A. FOR ACCIDENT?

22 Q. BECAUSE OF THIS ACCIDENT?

23 A. NO.

24 Q. OTHER THAN THIS DEFAMATION
25 CLAIM?

1 E. SHIN

2 A. NO.

3 Q. AND I APOLOGIZE IF THIS WAS
4 ASKED BEFORE. HAVE YOU ATTENDED ANY
5 HEARINGS -- ANY CRIMINAL HEARINGS, IN
6 CONNECTION WITH MR. LEE'S ARREST
7 BECAUSE OF YOUR ACCIDENT?

8 A. NO, OTHER THAN MEETING AT THE
9 DA'S OFFICE ONE TIME AND TALKING
10 NUMEROUS TIMES TO HER. I DON'T KNOW.

11 Q. WHO WAS THE ADA THAT HANDLED
12 YOUR CASE? DO YOU REMEMBER HER NAME?
13 IT WAS A FEMALE, RIGHT?

14 A. FEMALE.

15 Q. DO YOU REMEMBER HER NAME?

16 A. NO.

17 Q. DO YOU HAVE ANY INFORMATION AT
18 HOME THAT PROVIDES YOU WITH THE NAME?

19 A. I THINK SO.

20 Q. I'M GOING TO LEAVE A BLANK IN
21 THE RECORD. WHEN YOU GET THE
22 TRANSCRIPT, JUST WRITE IT IN.

23 (INSERT) _____

24 MS. NICOLAOU: I ALSO DEMAND
25 THE NAME, AS WELL.

1 E. SHIN

2 Q. WERE YOU GIVEN ANY PAPERWORK TO
3 FILL OUT AND COMPLETE BY THE ADA, IN
4 CONNECTION WITH MR. LEE'S ARREST?

5 A. NO.

6 Q. AND I UNDERSTAND YOU DIDN'T GIVE
7 A TESTIMONY, A TRIAL, OR PROVIDE A
8 SWORN STATEMENT, IN CONNECTION WITH THE
9 ACCIDENT OF APRIL 21ST?

10 A. NO.

11 Q. HAVE YOU SPOKEN WITH ANYONE,
12 OTHER THAN YOUR ATTORNEY ABOUT THE
13 ACCIDENT OF APRIL 21ST, 2017 THAT YOU
14 HAVEN'T TESTIFIED TO ALREADY?

15 A. NO.

16 Q. I KNOW WE SPOKE TO CHUNG LEE,
17 RIGHT?

18 A. YES.

19 Q. WE TALKED ABOUT THAT.

20 HOW MANY TIMES DID YOU SPEAK TO
21 HIM ABOUT THIS ACCIDENT OF APRIL 21ST?

22 A. NOT MUCH, BECAUSE I DON'T WANT
23 TO MAKE HIM SORRY FOR ME.

24 Q. OKAY. MR. DANIEL PARK, THE CPA,
25 I SEE HIS NAME IS ON THE DOOR OUTSIDE

1 E. SHIN

2 THIS OFFICE. HE HAS AN OFFICE IN YOUR
3 ATTORNEY'S BUILDING -- SPACE, RIGHT?

4 A. RIGHT.

5 Q. WHEN WAS THE LAST TIME YOU SPOKE
6 TO HIM ABOUT THIS ACCIDENT?

7 A. ABOUT 18 MONTHS AGO.

8 Q. 18 MONTHS?

9 A. NO, NOT 18 MONTHS, MORE THAN
10 THAT. I TRY NOT TO TALK ABOUT MY
11 ACCIDENT WITH THEM.

12 Q. WHY?

13 A. THEY FEEL SORRY, I DON'T WANT TO
14 MAKE PEOPLE FEEL SORRY.

15 Q. WHEN YOU SPOKE TO HIM 18 MONTHS
16 AGO --

17 A. NOT 18 MONTHS AGO.

18 Q. OKAY. HOW MANY TIMES DID YOU
19 SPEAK TO HIM ABOUT YOUR ACCIDENT?

20 A. JUST ONE TIME.

21 Q. JUST ONE TIME, OKAY. WHAT WAS
22 THE SUM AND SUBSTANCE OF THAT
23 CONVERSATION?

24 A. I JUST SAID TO HIM, "DO YOU
25 REMEMBER ANYTHING?"

1 E. SHIN

2 Q. AND WHAT DID HE TELL YOU?

3 A. "I SLEPT." HE SAID, "I DON'T
4 REMEMBER. I SLEPT."

5 Q. YOU SLEPT?

6 A. HE SLEPT.

7 MR. BASIL: MR. PARK SLEPT.

8 MS. NICOLAOU: YES.

9 Q. DOES HE REMEMBER ANYTHING FROM
10 THAT NIGHT, AT ALL, BEFORE HE FELL
11 ASLEEP?

12 A. I DIDN'T ASK HIM.

13 Q. OKAY. WHAT ABOUT JOHN LEE?

14 A. JOHN KIM?

15 MS. NICOLAOU: NO, THE --

16 MR. BASIL: JOHN KIM WAS THE
17 DRIVER.

18 Q. JOHN KIM, THE DRIVER. I'M
19 SORRY. JOHN KIM?

20 A. HE'S MY EMPLOYEE. I DON'T WANT
21 TO GIVE HIM HELL. I DIDN'T ASK HIM.

22 Q. WHAT'S HIS TITLE IN THE BANK?

23 A. SVP.

24 Q. OF WHAT?

25 A. A CREDIT LINE. HE'S LENDING

1 E. SHIN

2 AREA(SIC).

3 Q. SO HE'S THE FINANCIAL OFFICER?

4 A. LOAN OFFICER, CREDIT OFFICER.

5 Q. OKAY. AND HAVE YOU SPOKEN TO
6 HIM AT ALL ABOUT YOUR ACCIDENT?

7 A. NO. DID A YOU MEAN, COUPLE OF
8 TIMES?

9 Q. WHAT WAS IT THAT YOU TWO
10 DISCUSSED?

11 A. I DON'T REMEMBER BUT HE SAID --
12 FIRST OF ALL, I SAID, "THANK YOU FOR
13 SAVING ME" BECAUSE HE TOLD ME HE AND
14 CHUNG LEE TAKE AMBULANCE TO THE
15 HOSPITAL WITH ME(SIC).

16 Q. OKAY.

17 A. AND WE TALKED ABOUT HOW YOUNG
18 LEE SHOULDN'T HAVE KICKED ME. YOU
19 KNOW, THAT WAS ATTEMPT TO MURDER. I
20 MEAN IF I GOT KILLED.

21 Q. DID HE TELL YOU WHY? WHAT THE
22 ARGUMENT WAS ABOUT?

23 A. HE DOESN'T KNOW.

24 Q. DID ANYBODY EVER SAY TO YOU WHAT
25 THE ARGUMENT WAS ABOUT?

1 E. SHIN

2 A. NO.

3 Q. OKAY. OTHER THAN JOHN KIM,
4 CHUNG LEE, AND DANIEL PARK, ANYBODY
5 ELSE THAT YOU'RE AWARE OF THAT
6 WITNESSED THE INCIDENT BETWEEN -- LET
7 ME REMOVE THAT.

8 ANYBODY ELSE THAT YOU'RE AWARE
9 OF THAT CAN SPEAK TO THE EVENTS THAT
10 HAPPENED THAT NIGHT? WHETHER IT'S THE
11 ACCIDENT ITSELF OR THINGS LEADING UP TO
12 THE ACCIDENT?

13 A. YOU MEAN, ASK ME QUESTION?

14 Q. NO, THAT CAN SPEAK TO -- THAT
15 CAN TESTIFY AS TO WHAT HAPPENED THAT
16 NIGHT?

17 A. I DO NOT KNOW.

18 MS. NICOLAOU: CAN WE TAKE A
19 10-MINUTE BREAK? I'M JUST GOING
20 TO LOOK OVER MY NOTES. YOU WANT
21 TO DO THAT NOW?

22 EXAMINATION

23 BY MS. BERKOWITZ:

24 Q. SO THROUGH YOUR EMPLOYMENT, DO
25 YOU HAVE HEALTH INSURANCE WITH AETNA?

1 E. SHIN

2 A. YES.

3 Q. DID YOU SUBMIT YOUR MEDICAL
4 BILLS TO AETNA?

5 A. YES.

6 Q. DO YOU KNOW HOW MUCH MONEY AETNA
7 PAID OUT?

8 A. I DON'T, EXACT. ACCORDING TO
9 IT, IT SHOWS, I BELIEVE, ALMOST A
10 MILLION BUT I THINK AETNA PAID
11 \$700,000. I DON'T KNOW EXACT AMOUNT.

12 Q. I'M NOT ASKING YOU HOW MUCH
13 AETNA WAS BILLED, I'M ASKING YOU HOW
14 MUCH AETNA ACTUALLY PAID.

15 A. I DON'T KNOW EXACT BUT I BELIEVE
16 AROUND \$700,000.

17 Q. AND DID YOU SPEND ANY MONEY OUT
18 OF YOUR OWN POCKET?

19 A. YES.

20 Q. WHAT DID YOU SPEND MONEY OUT OF
21 YOUR POCKET FOR?

22 A. CO-PAY, PARKING, YOU NAME IT, TO
23 VISIT DOCTORS.

24 Q. DO YOU KNOW THE AMOUNT THAT YOU
25 PAID OUT OF YOUR POCKET FOR WHICH YOU

1 E. SHIN

2 WERE NOT REIMBURSED?

3 A. I DO NOT KNOW.

4 Q. DO YOU HAVE AN APPROXIMATE TOTAL
5 THAT YOU CAN QUANTIFY?

6 A. \$20,000, I'M NOT SURE.

7 Q. THAT YOU BELIEVE THAT YOU'VE
8 PAID OUT OF POCKET THAT YOU HAVEN'T
9 BEEN REIMBURSED FOR?

10 A. YES.

11 Q. ANYTHING ELSE THAT YOU HAVEN'T
12 BEEN REIMBURSED FOR?

13 A. FOR MEDICATION, I THINK I HAVE
14 TO PAY BY MY MONEY BECAUSE IT'S NOT
15 COVERED BY INSURANCE.

16 Q. ANYTHING ELSE?

17 A. AND SOME PHYSICAL THERAPY.

18 Q. SOME PHYSICAL THERAPY WASN'T
19 COVERED?

20 A. YES.

21 Q. WHAT ELSE?

22 A. CHIROPRACTOR, AND ACUPUNCTURE
23 DOESN'T COVER BY AETNA(SIC), I BELIEVE.

24 Q. AND DO YOU HAVE SOME TYPE OF
25 FILE AT HOME WHERE YOU'RE KEEPING A

1 E. SHIN

2 RECORD OF HOW MUCH YOU'VE BEEN
3 SPENDING?

4 A. PROBABLY MY WIFE HAS IT. I'M
5 NOT SURE ABOUT THAT.

6 MS. NICOLAOU: I'M JUST
7 GOING TO DEMAND COPIES OF ANY
8 OUT-OF-POCKET RECEIPTS AND
9 CANCELLED CHECKS OR ANYTHING LIKE
10 THAT.

11 MS. BERKOWITZ: JOIN.

12 MR. LEVINSON: JOIN.

13 MS. NICOLAOU: AND I NEED --
14 I NEED CLARIFICATION BECAUSE I
15 BELIEVE THE DOCUMENTS YOU GAVE ME
16 ARE NO WHERE NEAR THE FIGURE THAT
17 YOU REPORTED TO US IN THE PAST
18 COMPARED TO WHAT YOUR CLIENT JUST
19 TESTIFIED TO.

20 I'M NOT SURE WHERE THIS
21 NUMBER IS COMING FROM AND NONE OF
22 US ARE SEEING IT. SO ARE WE
23 MISSING SOMETHING? BECAUSE THE
24 DOCUMENT YOU GAVE ME DIDN'T HAVE
25 700 OR A MILLION, IT HAD 100 AND

1 E. SHIN

2 CHANGE.

3 MR. BASIL: THERE WAS THE
4 EXCEL SPREADSHEET.

5 MS. NICOLAOU: YEAH, IT
6 DIDN'T HAVE 700.

7 MR. BASIL: I'LL CHECK IT.

8 MS. BERKOWITZ: I THINK
9 THERE IS A DISCREPANCY OF HOW
10 MUCH WAS BILLED AND HOW MUCH WAS
11 PAID OUT.

12 MS. NICOLAOU: WHAT WAS
13 BILLED WASN'T ANYWHERE NEAR 700.

14 MS. BERKOWITZ: RIGHT BUT
15 THE LIEN WOULD BE THE AMOUNT
16 INCURRED, NOT WHAT WAS BILLED.

17 MR. BASIL: SURE.

18 MS. NICOLAOU: THE PACKET
19 YOU E-MAILED US, WHICH HAS THE
20 SPREADSHEET PROVIDED BY THE
21 INSURER, DOES NOT LIST --

22 MR. BASIL: BY THE "INSURER"
23 OR THE "INSURED"?

24 MS. NICOLAOU BY YOUR CLIENT?

25 MR. BASIL: THERE SHOULD

1 E. SHIN

2 HAVE BEEN ONE BY THE "INSURED."

3 MS. NICOLAOU: BY YOUR
4 CLIENT?

5 MR. BASIL: CORRECT, THAT
6 HIS WIFE PUT TOGETHER THE LIST
7 THAT HE'S BEEN TESTIFYING US
8 ABOUT. I THOUGHT I PROVIDED
9 THAT, IF I DIDN'T, IT WAS AN
10 ERROR.

11 MS. NICOLAOU: WE HAVE AN
12 EXCEL SPREADSHEET, THAT MIGHT BE
13 WHAT SHE PUT TOGETHER?

14 MR. BASIL: YES.

15 MS. NICOLAOU: YES, WE HAVE
16 THAT BUT YOU ALSO DISCLOSED A
17 LIEN LETTER, FROM THE INSURER,
18 WHICH HAD ITS OWN PRINT OUT.

19 MR. BASIL: I UNDERSTAND --
20 THIS CAN BE OFF THE RECORD.

21 (WHEREUPON, A DISCUSSION WAS
22 HELD OFF THE RECORD.)

23 EXAMINATION

24 BY MR. LEVINSON:

25 Q. MR. SHIN, PRIOR TO THIS

1 E. SHIN

2 INCIDENT, DID YOU EVER INJURE YOUR
3 HEAD, CHEEK AREA, OR LEFT ARM BEFORE?

4 A. NEVER.

5 Q. SINCE THIS ACCIDENT, HAVE YOU
6 REINJURED ANY PARTS OF YOUR HEAD,
7 CHEEK, OR LEFT ARM?

8 A. NO, NOT THAT I KNOW OF. NO.

9 Q. WERE YOU EVER DIAGNOSED WITH ANY
10 CONDITION THAT WOULD SUBJECT YOU TO
11 MEMORY LOSS BEFORE THIS INCIDENT?

12 A. NO.

13 Q. ALL RIGHT. NOTHING FURTHER.

14 (TIME NOTED: 3:34 P.M.)

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INSTRUCTIONS TO WITNESS

PLEASE READ YOUR DEPOSITION OVER
CAREFULLY AND MAKE ANY NECESSARY CORRECTIONS.
YOU SHOULD STATE THE REASON IN THE APPROPRIATE
SPACE ON THE ERRATA SHEET FOR ANY CORRECTIONS
THAT ARE MADE.

AFTER DOING SO, PLEASE SIGN THE
ERRATA SHEET AND DATE IT.

YOU ARE SIGNING SAME SUBJECT TO THE
CHANGES YOU HAVE NOTED ON THE ERRATA SHEET,
WHICH WILL BE ATTACHED TO YOUR DEPOSITION.

IT IS IMPERATIVE THAT YOU RETURN THE
ORIGINAL ERRATA SHEET TO THE DEPOSING ATTORNEY
WITHIN THIRTY (30) DAYS OF RECEIPT OF THE
DEPOSITION TRANSCRIPT BY YOU. IF YOU FAIL TO
DO SO, THE DEPOSITION TRANSCRIPT MAY BE DEEMED
TO BE ACCURATE AND MAY BE USED IN COURT.

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E R R A T A

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4

PAGE

LINE

CHANGE

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179Kang Lee (not "Kane")

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2719Kang (not "Kane")

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6711Ⓢ Distributed (not "disputed")

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STATE OF NEW YORK)

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:SS

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COUNTY OF New York)

6

Edward
I, ~~ERIC E.~~ SHIN, HEREBY CERTIFY THAT I HAVE

7

READ THE TRANSCRIPT OF MY TESTIMONY TAKEN

8

UNDER OATH ON FEBRUARY 1ST, 2019, THAT THE

9

TRANSCRIPT IS A TRUE, COMPLETE AND CORRECT

10

RECORD OF WHAT WAS ASKED, ANSWERED AND SAID

11

DURING MY TESTIMONY UNDER OATH, AND THAT THE

12

ANSWERS ON THE RECORD AS GIVEN BY ME ARE TRUE

13

AND CORRECT, EXCEPT FOR THE CORRECTIONS OR

14

CHANGES IN FORM OR SUBSTANCE, IF ANY, NOTED IN

15

THE ATTACHED ERRATA SHEET.

16

17

Eric E. Shin

18

~~ERIC E.~~ SHIN

19

Edward

20

SIGNED AND SUBSCRIBED TO

21

BEFORE ME, THIS 8th DAY

22

OF April, 2019.

23

24

Robert J. Basil

25

NOTARY PUBLIC

ROBERT J. BASIL
Notary Public, State of New York
No. 02BA6216008
Qualified in New York County
Commission Expires January 11, 2022

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C E R T I F I C A T E

I, CHRISTA M. MILOSCIA, A SHORTHAND
REPORTER AND NOTARY PUBLIC WITHIN AND FOR THE
STATE OF NEW YORK, DO HEREBY CERTIFY:

THAT THE WITNESS(ES) WHOSE TESTIMONY IS
HEREINBEFORE SET FORTH WAS DULY SWORN BY ME,
AND THE FOREGOING TRANSCRIPT IS A TRUE RECORD
OF THE TESTIMONY GIVEN BY SUCH WITNESS(ES).

I FURTHER CERTIFY THAT I AM NOT RELATED TO
ANY OF THE PARTIES TO THIS ACTION BY BLOOD OR
MARRIAGE, AND THAT I AM IN NO WAY INTERESTED
IN THE OUTCOME OF THIS MATTER.

CHRISTA M. MILOSCIA, A COURT
REPORTER AND NOTARY PUBLIC
DATE: JANUARY 11, 2019

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